Volume 46, Number 22 Pages 2107–2214 November 15, 2021

#### SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



## JOHN R. ASHCROFT SECRETARY OF STATE

# MISSOURI REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The Missouri Register is published semi-monthly by

#### SECRETARY OF STATE

#### JOHN R. ASHCROFT

Administrative Rules Division
James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

**EDITOR-IN-CHIEF** 

CURTIS W. TREAT

Managing Editor Stephanie Martin

PUBLICATION SPECIALIST II
JACQUELINE D. WHITE

EDITOR II Vonne Kilbourn

Editor Jennifer Alex Moore

Administrative Aide III Tammy Winkelman

ISSN 0149-2942

The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is sos.mo.gov/adrules/moreg/moreg and the CSR is sos.mo.gov/adrules/csr/csr. The Administrative Rules Division may be contacted by email at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.

### Missouri



## REGISTER

November 15, 2021

Vol. 46 No. 22 Pages 2107-2214

### In This Issue:

EMERGENCY RULES	Department of Health and Senior Services
Department of Revenue	Division of Regulation and Licensure
Director of Revenue	Department of Commerce and Insurance
Department of Social Services	Missouri Board for Architects, Professional Engineers,
Family Support Division	Professional Land Surveyors, and Professional
MO HealthNet Division	Landscape Architects
Department of Health and Senior Services	IN ADDITIONS
Division of Regulation and Licensure	IN ADDITIONS
	Office of Administration
PROPOSED RULES	Personnel Advisory Board and Division of Personnel 2192
Department of Elementary and Secondary Education	Department of Public Safety
Office of Childhood	Division of Alcohol and Tobacco Control
Department of Revenue	Department of Health and Senior Services
Director of Revenue	Division of Regulation and Licensure
Department of Social Services	Missouri Health Facilities Review Committee
Family Support Division	DISSOLUTIONS
MO HealthNet Division	DISSOLUTIONS
Elected Officials	COURCE OURSE
Treasurer	SOURCE GUIDES
Department of Health and Senior Services	RULE CHANGES SINCE UPDATE
Division of Regulation and Licensure	EMERGENCY RULES IN EFFECT
Department of Commerce and Insurance	<b>EXECUTIVE ORDERS</b>
Missouri State Board of Accountancy	<b>REGISTER INDEX</b>
Office of Athletics	
Real Estate Appraisers	
ORDERS OF RULEMAKING	
Department of Mental Health	
Director, Department of Mental Health	
<b>Department of Natural Resources</b>	
Safe Drinking Water Commission	

Register Filing Deadlines	Register	Code	Code
	Publication Date	Publication Date	Effective Date
July 1, 2021	August 2, 2021	August 31, 2021	September 30, 2021
July 15, 2021	August 16, 2021	August 31, 2021	September 30, 2021
August 2, 2021	September 1, 2021	September 30, 2021	October 30, 2021
August 16, 2021	September 15, 2021	September 30, 2021	October 30, 2021
September 1, 2021	October 1, 2021	October 31, 2021	November 30, 2021
September 15, 2021	October 15, 2021	October 31, 2021	November 30, 2021
October 1, 2021	November 1, 2021	November 30, 2021	December 30, 2021
October 15, 2021	November 15, 2021	November 30, 2021	December 30, 2021
November 1, 2021	December 1, 2021	December 31, 2021	January 30, 2022
November 15, 2021	December 15, 2021	December 31, 2021	January 30, 2022
December 1, 2021	January 3, 2022	January 29, 2022	February 28, 2022
December 15, 2021	January 18, 2022	January 29, 2022	February 28, 2022
January 3, 2022	February 1, 2022	February 28, 2022	March 30, 2022
January 18, 2022	February 15, 2022	February 28, 2022	March 30, 2022
February 1, 2022	March 1, 2022	March 31, 2022	April 30, 2022
February 15, 2022	March 15, 2022	March 31, 2022	April 30, 2022

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please see the website at sos.mo.gov/adrules/pubsched.

#### HOW TO CITE RULES AND RSMO

#### **RULES**

The rules are codified in the Code of State Regulations in this system—

Title	CSR	Division	Chapter	Rule
3	Code of	10-	4	.115
Department	State	Agency	General area	Specific area
	Regulations	division	regulated	regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the Missouri Revised Statutes as of the date indicated.

#### Code and Register on the Internet

The Code of State Regulations and Missouri Register are available on the Internet.

The Code address is sos.mo.gov/adrules/csr/csr

The Register address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the Code and Registers.

ules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the United States Constitutions; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

ules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

Il emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

#### Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 41—General Tax Provisions

#### **EMERGENCY AMENDMENT**

**12 CSR 10-41.010 Annual Adjusted Rate of Interest**. The department proposes to amend the purpose, emergency statement, section (1), and authority.

PURPOSE: This emergency amendment establishes the annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2022.

EMERGENCY STATEMENT: The director of revenue is mandated to establish not later than October 22 annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the 2020 calendar year. A proposed amendment, that covers the same material, is published in this issue of the Missouri Register. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied

with protections extended by the **Missouri** and **United States Constitutions**. This emergency amendment was filed October 15, 2021, becomes effective January 1, 2022, and expires June 29, 2022.

(1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governors of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

	Rate of Interest
Calendar	on Unpaid Amounts
Year	of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3 %
2011	3 %
2012	3 %
2013	3 %
2014	3%
2015	3%
2016	3 %
2017	4%
2018	4%
2019	5%
2020	5%
2021	3%
2022	3%

AUTHORITY: section 32.065, RSMo 2016. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 15, 2021, effective Jan. 1, 2022, expires June 29, 2022. A proposed amendment covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

### FISCAL NOTE PUBLIC COST

#### I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Emergency Amendment

#### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. The 2022 interest rate imposed on delinquent taxes is equal to that imposed in 2021.

#### III. WORKSHEET

The proposed amendment establishes the rate of interest for 2022 at three percent (3%), which is equal to the rate in 2021.

This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. Because the 2022 interest rate imposed on delinquent taxes is equal to the rate imposed in 2021, the interest rate will be the same on each \$100 of delinquent taxes to public entities.

#### Interest on Delinquent Taxes Paid to Department of Revenue

	Current Rule 3.00%	Proposed Amendment 3.00%		
Example:				
Past due tax amount	\$100.00	\$100.00		
Interest Amount (%)	\$3.00	\$3.00		
<b>Total Amount Due</b>	\$103.00	\$103.00		

#### IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2021 is three point two five percent (3.25%). The actual bank prime loan rate noted by the Federal Reserve in 2020 was five point two five percent (5.25%).

### FISCAL NOTE PRIVATE COST

#### I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Emergency Amendment

#### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2022 interest rate imposed on delinquent taxes is equal to that imposed in 2021. The actual number of affected taxpayers is unknown.

#### III. WORKSHEET

The proposed amendment establishes the rate of interest for 2022 at three percent (3%), which is equal to the rate in 2021.

This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. Because the 2022 interest rate imposed on delinquent taxes is equal to the rate imposed in 2021, the interest rate will be the same on each \$100 of delinquent taxes to private entities. The actual number of affected taxpayers is unknown.

#### Interest on Delinquent Taxes Paid to Department of Revenue

	Current Rule 3.00%	Proposed Amendment 3.00%
Example:		
Past due tax amount	\$100.00	\$100.00
Interest Amount (%)	\$3.00	\$3.00
Total Amount Due	\$103.00	\$103.00

#### IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2021 is three point two five percent (3.25%). The actual bank prime loan rate noted by the Federal Reserve in 2020 was five point two five percent (5.25%).

### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 2—Income Maintenance

#### **EMERGENCY AMENDMENT**

**13 CSR 40-2.015 Authorized Representatives**. The division is amending subsection (2)(D) and adding section (19).

PURPOSE: This emergency amendment adds the Adult Expansion Group (AEG) to the list of groups that constitute "MO HealthNet programs" for purposes of this rule. This amendment also incorporates three (3) federal regulations and one subpart of the Code of Federal Regulations (CFR). First, the rule governing authorized representatives (42 CFR 435.923). Second, the rule governing the privacy and security of personally identifiable information (45 CFR 155.260), which authorized representatives must honor. Third, the rule governing the entities who may receive a reassigned claim from a Medicaid provider (42 CFR 447.10). Finally, the amendment incorporates the subpart in federal rules – 42 CFR 431 Subpart F - on safeguarding information on Medicaid participants. Authorized representatives must agree to adhere to these rules as a condition of their representation.

EMERGENCY STATEMENT: This emergency amendment adds the Adult Expansion Group (AEG) to the list of groups that constitute "MO HealthNet programs" for purposes of this rule, in accordance with Article IV Section 36(c) of the Missouri Constitution. Section 36(c) requires the department to implement these changes by July 1, 2021, but implementation was stopped due to a lack of funding for the program. On July 22, 2021, the Missouri Supreme Court ordered the Circuit Court of Cole County to issue an order requiring the Department of Social Services to implement Article IV Section 36(c). On August 10, 2021, the Circuit Court ordered the Department to do this as of July 1, 2021. As a result of this ruling, an emergency amendment is necessary in order to carry out the Court's order within the allowable time frame, and the Family Support Division has a compelling governmental interest in implementing that order, which includes adding the AEG to the list of participating MO HealthNet groups. If this emergency rule is not enacted, the department would not be in compliance with the Missouri Constitution and the Circuit Court's order. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Family Support Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 5, 2021, becomes effective October 20, 2021, and expires April 17, 2022.

- (2) For purposes of this rule, the following terms shall mean:
- (D) "MO HealthNet programs" shall mean the MO HealthNet benefits provided to participants under the MO HealthNet programs including, but not limited to, MO HealthNet for the Aged, Blind, and Disabled (MHABD) program, MO HealthNet for Families (MHF) program, the Adult Expansion Group (AEG) pursuant to Article IV Section 36(c) of the Missouri Constitution, MO HealthNet for Kids (MHK) program, MO HealthNet for Pregnant Women (MPW) program, and Uninsured Woman's Health Services (UWHS) program. MO HealthNet programs also include presumptive eligibility for any of the above programs; and
- (19) This rule hereby incorporates by reference the following provisions and definitions from the *Code of Federal Regulations* (CFR) listed below as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and

which is located on the website of the U.S. Government Publishing Office at https://www.govinfo.gov/app/collection/CFR. This rule does not incorporate any subsequent amendments or additions:

- (A) 42 CFR 435.923, October 20, 2021;
- (B) 42 CFR 431 Subpart F, October 20, 2021;
- (C) 45 CFR 155.260, October 20, 2021; and
- (D) 42 CFR 447.10, October 20, 2021.

AUTHORITY: sections 207.010, 207.022, 208.991, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed June 30, 2015, effective Dec. 30, 2015. Emergency amendment filed Oct. 5, 2021, effective Oct. 20, 2021, expires April 17, 2022. A proposed amendment covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective. The overall implementation of Article IV, Section 36(c) of the Missouri Constitution, pursuant to which the division is amending this regulation, is estimated to cost 1.85 billion dollars (\$1,850,000,000), which includes 282.2 million dollars (\$282,200,000) in GR/Other funding and 1.57 billion dollars (\$1,570,000,000) in federal financial participation annually starting in fiscal year 2022.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 7—Family Healthcare

#### **EMERGENCY AMENDMENT**

13 CSR 40-7.010 Scope and Definitions. The division is amending subsection (1)(K).

PURPOSE: This emergency amendment adds the Adult Expansion Group to the list of populations that fall under Family MO HealthNet programs, pursuant to Article IV, Section 36(c) of the **Missouri** Constitution.

EMERGENCY STATEMENT: This emergency amendment adds the Adult Expansion Group (AEG) to the list of groups that constitute "Family MO HealthNet programs" for purposes of this rule, in accordance with Article IV Section 36(c) of the Missouri Constitution. Section 36(c) requires the department to implement these changes by July 1, 2021, but implementation was stopped due to a lack of funding for the program. On July 22, 2021, the Missouri Supreme Court ordered the Circuit Court of Cole County to issue an order requiring the Department of Social Services to implement Article IV Section 36(c). On August 10, 2021, the Circuit Court ordered the Department do this as of July 1, 2021. As a result of this ruling, an emergency amendment is necessary in order to carry out the Court's order within the allowable time frame, and the Family Support Division has a compelling governmental interest to implement that order, which includes adding the AEG to the list of participating MO HealthNet groups. If an emergency is not enacted, the department would not be in compliance with the Missouri Constitution and the Circuit Court's order. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Family Support Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 5,

2021, becomes effective October 20, 2021, and expires April 17, 2022.

#### (1) Definitions.

(K) "Family Mo HealthNet programs" means MO HealthNet benefits provided to participants under the MO HealthNet for Families (MHF) program, the Adult Expansion Group (AEG) pursuant to Article IV, Section 36(c) of the Missouri Constitution, MO HealthNet for Kids (MHK) program, MO HealthNet for Pregnant Women (MPW) program, and Uninsured Woman's Health Services (UWHS) program. Family MO HealthNet programs also include presumptive eligibility for any of the above programs.

AUTHORITY: sections 207.022 and 660.017, RSMo 2016. Original rule filed July 31, 2013, effective Feb. 28, 2014. Amended: Filed Oct. 1, 2018, effective May 30, 2019. Emergency amendment filed Oct. 5, 2021, effective Oct. 20, 2021, expires April 17, 2022. A proposed amendment covering the same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective. The overall implementation of Article IV, Section 36(c) of the Missouri Constitution, pursuant to which the division is amending this regulation, is estimated to cost 1.85 billion dollars (\$1,850,000,000), which includes 282.2 million dollars (\$282,200,000) in GR/Other funding and 1.57 billion dollars (\$1,570,000,000) in federal financial participation annually starting in fiscal year 2022.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

#### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 7—Family Healthcare

#### **EMERGENCY AMENDMENT**

**13 CSR 40-7.050 Presumptive Eligibility**. The department is amending sections (1), (2), and (4).

PURPOSE: This emergency amendment allows qualified hospitals to make Medicaid presumptive eligibility determinations for the Adult Expansion Group (AEG), per Article IV Section 36(c) of the Missouri Constitution. The State is legislatively mandated to implement these changes by July 1, 2021. Applicable federal regulations require state Medicaid agencies to offer qualified hospitals the opportunity to make presumptive eligibility determinations for this Medicaid population.

EMERGENCY STATEMENT: This emergency amendment allows qualified hospitals to make Medicaid presumptive eligibility determinations for the Adult Expansion Group (AEG), per Article IV Section 36(c) of the Missouri Constitution. The State is legislatively mandated to implement these changes by July 1, 2021. Applicable federal regulations require state Medicaid agencies to offer qualified hospitals the opportunity to make presumptive eligibility determinations for this Medicaid population. In order for the State to be in compliance with these requirements within the mandated timeframe, an emergency amendment is necessary. If an emergency is not enacted, the Family Support Division would not be in compliance with the Missouri Constitution. As a result, the department finds a compelling governmental interest which requires this emergency amendment. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this

emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Family Support Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 5, 2021, becomes effective October 20, 2021, and expires April 17, 2022.

(1) The department shall provide MO HealthNet benefits [to individuals] during a period of presumptive eligibility for individuals who have been determined eligible for MO HealthNet benefits on the basis of preliminary information by a presumptive eligibility qualified entity in accordance with this rule, and pursuant to Sections 435.1100, 435.1101, 435.1102, 435.1103, and 435.1110 of Title 42, Code of Federal Regulations, which is incorporated by reference and made part of this rule as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and available at its website https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-C/part-435?toc=1, October 20, 2021. This rule does not incorporate any subsequent amendments or additions.

#### (2) For the purposes of this rule—

- (A) "Presumptive eligibility" means temporary MO HealthNet benefits for children under the age of nineteen (19) (pursuant to 42 U.S.C. sections 1396a(47) and 1396r-1a and 42 CFR sections 435.1102 and 435.1110), parents and other caretaker relatives (pursuant to 42 CFR sections 435.1103 and 435.1110), former foster care children (pursuant to 42 CFR sections 435.1103 and 435.1110), pregnant women (pursuant to 42 U.S.C. sections 1396a(47) and 1396r-1 and 42 CFR sections 435.1103 and 435.1110), [and] individuals with breast cancer or cervical cancer (pursuant to 42 U.S.C. sections 1396a(47) and 1396r-1b and 42 CFR sections 435.1103 and 435.1110), and adults between ages nineteen (19) and sixty-four (64) (pursuant to 42 CFR 435.1110), allowing them to receive MO HealthNet benefits before they have applied for MO HealthNet benefits through the division;
- (B) "Qualifying hospital" has the same meaning as in 42 CFR 435.1110(b);
- (C) "Federally qualified health center" has the same meaning as in 42 U.S.C. section 1396(I)(2)(B);
- (D) "Rural health clinic" has the same meaning as in 42 U.S.C. section 1395x(aa)(2);
- (E) "Presumptive eligibility qualified entity" means a MO HealthNet provider organization responsible for screening individuals/families regarding presumptive eligibility for MO HealthNet benefits.
- 1. For presumptive eligibility determinations for children under the age of nineteen (19), "presumptive eligibility qualified entity" means a federally qualified health center, rural health clinic, or qualifying hospital that meets the requirements for a "qualified entity" in 42 U.S.C. section 1396r–1a(b)(3)(A).
- 2. For presumptive eligibility determinations for pregnant women, "presumptive eligibility qualified entity" means a county health department, federally qualified health center, rural health clinic, or qualifying hospital that meets the requirements for a "qualified provider" in 42 U.S.C. section 1396r-1(b)(2).
- 3. For presumptive eligibility determinations for parents and caretaker relatives, "presumptive eligibility qualified entity" means a qualifying hospital as provided in section 42 CFR 435.1110.
- 4. For presumptive eligibility determinations for breast and cervical cancer treatment, "presumptive eligibility qualified entity" means a Show-Me Healthy Women Provider which has a participation agreement with the Missouri Department of Health and Senior Services that meets the requirements for a "qualified entity" in 42 U.S.C. section 1396r-1b(b)(2).
- 5. For presumptive eligibility determinations for former foster care children, "presumptive eligibility qualified entity" means a

qualifying hospital.

- 6. For presumptive eligibility determinations for adults between ages nineteen (19) and sixty-four (64), "presumptive eligibility qualified entity" means a qualifying hospital.
- (4) A presumptive eligibility qualified entity shall make presumptive eligibility determinations subject to the requirements listed below:
- (H) In making a presumptive eligibility determination, the presumptive eligibility qualified entity shall apply preliminary eligibility criteria established by applicable law and regulation, using forms provided by the division, and shall approve an application for presumptive eligibility only if the following requirements are met:
  - 1. For children under the age of nineteen (19)—
- A. The child must meet the same requirements for income and United States and Missouri residency required for regular Medicaid coverage for children under nineteen (19); and
- B. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;
  - 2. For parents and caretaker relatives—
- A. Individuals must be parents or other caretaker relatives (as defined in 42 CFR 435.4), including pregnant women, of a dependent child (as defined in 42 CFR 435.4) under age eighteen (18);
- B. The individual must meet the same requirements for income and United States and Missouri residency required for regular Medicaid coverage for parents; and
- C. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;
  - 3. For pregnant women—
    - A. The individual must be pregnant;
- B. The woman must meet the same requirements for income and United States and Missouri residency required for regular Medicaid coverage for pregnant women or for coverage under the Show-Me Healthy Baby program; and
- C. The individual must not have already received benefits under a MO HealthNet presumptive eligibility program during the current pregnancy;
  - 4. For breast and cervical cancer treatment—
- A. The individual must be diagnosed with breast or cervical cancer by a Show-Me Healthy Women Provider unless the participant is diagnosed by a MO HealthNet provider while currently receiving MO HealthNet benefits;
- B. The woman must meet the same requirements for income and United States and Missouri residency required for regular coverage under the Breast and Cervical Cancer Coverage program; and
- C. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;
  - 5. For former foster care children—
- A. The individual must be in foster care under the responsibility of the state of Missouri as of their eighteenth birthday or within thirty (30) days prior to their eighteenth birthday;
- B. The individual must be under the age of twenty-six (26) years old;
- C. The individual must not be eligible for another MO HealthNet benefits group;
- D. The individual must have been covered by MO HealthNet while they were in foster care;
  - E. The individual must be a Missouri resident; and
- F. There can be no more than one (1) presumptive eligibility period within a twelve- (12-)
- month period starting with the effective date of the initial presumptive eligibility period; **and** 
  - 6. For adults between ages nineteen (19) and sixty-four (64)-
- A. The individual must meet the requirements for income and United States and Missouri residency required for regular MO HealthNet coverage for adults between ages nineteen (19)

and sixty-four (64) pursuant to 42 CFR 435.1103 and 435.1110; and

B. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period.

AUTHORITY: sections 207.022[, RSMo Supp. 2014, section] 208.151.1(22),] and 660.017, RSMo [Supp. 2013] 2016, and section 208.151.1(22), RSMo Supp. 2021. Original rule filed March 31, 2016, effective Sept. 30, 2016. Amended: Filed April 5, 2021. Emergency amendment filed Oct. 5, 2021, effective Oct. 20, 2021, expires April 17, 2022. A proposed amendment covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective. The overall implementation of Article IV, Section 36(c) of the Missouri Constitution, pursuant to which the division is amending this regulation, is estimated to cost 2.71 billion dollars (\$2,710,000,000), which includes 258.5 million dollars (\$258,000,000) in state funding and 2.45 billion dollars (\$2,450,000,000) in federal financial participation annually starting in fiscal year 2022.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 90—Home Health Program

#### **EMERGENCY AMENDMENT**

**13 CSR 70-90.010 Home Health-Care Services**. The MO HealthNet Division is adding subsection (2)(C), amending sections (7) and (8), and adding section (9).

PURPOSE: This amendment allows the adult expansion group described in Article IV Section 36(c) of the Missouri Constitution to receive habilitative services through the Missouri Home Health Program, and updates the incorporated by reference dates.

EMERGENCY STATEMENT: This emergency amendment allows the expanded adult population to receive habilitative services, per Article IV Section 36(c) of the Missouri Constitution. The State was legislatively mandated to implement these changes by July 1, 2021, but implementation was stopped due to a lack of funding for the program. On July 22, 2021, the Missouri Supreme Court ordered the Circuit Court of Cole County to issue an order requiring the Department of Social Services to implement Article IV Section 36(c). On August 10, 2021, the Circuit Court issued an order enjoining the department from denying MO HealthNet enrollment to persons eligible for coverage under Article IV Section 36(c) as of July 1, 2021. As a result of this ruling, an emergency amendment is necessary in order to carry out the Court's order within the allowable time frame, and the MO HealthNet Division has a compelling governmental interest to implement that order, which includes providing Home Health services to qualified adult expansion participants. Since Article IV Section 36(c) was passed in August 2020, the department has been developing a package of coverage that will meet the federal requirements for this program. Article IV Section 36(c) requires the department to adhere to 42 USC 1396a(k)(1) or section 2001(a)(2) of the Patient Protection and Affordable Care Act (ACA). Under the ACA, the home health services identified by this amendment must be a part of the package of benefits that will be available to the adult expansion group, and. Also, extending these benefits to the adult expansion group will

enable the department to secure a 90% federal medical assistance percentage, which is also required by Article IV Section 36(c). In order for the State to be in compliance with these requirements within the mandated timeframe, an emergency amendment is necessary. If an emergency is not enacted, the MO HealthNet Home Health program would not be in compliance with the court order or the Missouri Constitution. As a result, the MO HealthNet Division finds a compelling governmental interest which requires this emergency amendment. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 5, 2021, becomes effective October 20, 2021, and expires April 17, 2022.

- (2) Home health services include the following services and items:
- (C) Physical, occupational, or speech therapy when the following conditions are met:
- 1. The participant is age nineteen (19) or over and under age sixty-five (65) and enrolled under the Medicaid eligibility criteria for the adult expansion group as described in Article IV Section 36(c) of the *Missouri Constitution*; and
- 2. Physical, occupational, or speech therapy is a habilitative service that will help the individual keep, learn, or improve skills and functioning for daily living, in accordance with limitations set forth in section (9) of this rule.
- [(C)](D) Intermittent home health aide; and
- <code>[(D)](E)</code> Supplies identified as specific and necessary to the delivery of a participant's nursing care and prescribed in the plan of care. Supplies are health care related items that are consumable or disposable, or cannot withstand repeated use by more than one (1) individual, that are required to address an individual medical disability, illness, or injury. Medical supplies are classified as—
- 1. Routine—medical supplies used in small quantities for patients during the usual course of most home visits; or
- 2. Non-routine—medical supplies needed to treat a patient's specific illness or injury in accordance with the physician's plan of care and meet further conditions discussed in more detail below.
- (7) To be reimbursed by MO HealthNet, all home health services and supplies must be provided in accordance with a written plan of care authorized by the participant's physician. The criteria for the development of the written plan of care and changes to the written plan of care through interim order(s) are described in the MO HealthNet Division Home Health Provider Manual. The MO HealthNet Division Home Health Provider Manual is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at http://manuals.momed.com/manuals/, [December 10, 2019] September 24, 2021. This rule does not incorporate any subsequent amendments or additions. Plans of care and interim order(s) are to be maintained in the client record.
- (8) Skilled therapy services as described in subsection (2)(B) will be considered reasonable and necessary for treatment if the conditions of paragraphs (8)(A)1.-4. are met.
- (9) The combination of physical, occupational, and speech therapy as described in subsection (2)(C) of this rule is limited to a total of twenty (20) visits inclusive of services from all MO HealthNet providers per year.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2019] 2021. This rule was previously filed as 13 CSR 40-81.056. Original rule filed April 14, 1982,

effective July 11, 1982. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 5, 2021, effective Oct. 20, 2021, expires April 17, 2022. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective. There is no fiscal impact to feefor-service. Adult expansion group participants will be enrolled in managed care and this service will be provided through the managed care health plan, and the costs of those services are included in the capitation payments that MHD makes to the managed care providers. There is an estimated overall fiscal impact, which would be for managed care, as follows: Home health agencies: \$0 fiscal impact anticipated for proposed changes; and MO HealthNet: \$10,594,584.90 anticipated across all MHD programs, and \$2,648,646.22 fiscal impact anticipated for the Home Health program.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

### Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 81—Certification

#### **EMERGENCY AMENDMENT**

**19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants**. The department is amending section (1), adding sections (7) and (8), and adding forms DA-124 A/B, DA-124 C ATT and DA-124 C.

PURPOSE: This amendment adds the level-of-care evaluation and assessment requirements back that were effective prior to October 31, 2021, in order for those individuals who would have qualified for Title XIX funded services prior to October 31, 2021, to be eligible to receive services funded through the American Rescue Plan Act. This amendment also changes the purpose to include the second level-of-care determination to be utilized from October 31, 2021, until the funding from the American Rescue Plan Act (temporary enhanced federal medical assistance percentage) has been expended.

PURPOSE: This rule sets the requirements for the periodic evaluation and assessments of residents in long-term care facilities in relationship to evaluation and assessment processes, level-of-care needed by individuals, and appropriate placement of individuals in order to receive this care. The rule also includes the algorithm utilized for the department's Home and Community Based Services program for its level of care determination. The rule includes a second level-of-care determination to be utilized from October 31, 2021, until the funding from the American Rescue Plan Act (temporary enhanced federal medical assistance percentage) has been expended.

EMERGENCY STATEMENT: This emergency amendment adds the level-of-care evaluation and assessment requirements back that were effective prior to October 31, 2021, in order for those individuals who would have qualified for Title XIX funded services prior to October 31, 2021, to be eligible to receive services funded through the American Rescue Plan Act. The American Rescue Plan Act authorizes states to earn a temporary enhanced federal medical assistance percentage (FMAP) for home and community based services. As a result, Missouri is eligible to claim an additional ten percent (10%) enhanced FMAP on all home and community based services provided from April 1, 2021, through March 31, 2022. With this additional

funding, the department is creating a dual level-of-care assessment in which applicants for home and community based services and longterm care facility care are assessed under the new level-of-care assessment that will begin on October 31, 2021, and the old level-ofcare assessment which was set to end on October 31, 2021. The dual level-of-care assessment will be utilized by the Department from October 31, 2021, until the date that all of the temporary enhanced FMAP funds from the American Rescue Plan Act of 2021 are expended. During the level of care transformation project, the department projected that there would be an equal number of home and community based applicants who would be able to qualify under the new level-of-care assessment and those who would no longer qualify under the new level-of-care assessment. However, with the additional funds from the American Rescue Plan Act, the department can continue to provide services to those home and community based applicants who qualify for the old level-of-care assessment, but who would have no longer qualified for home and community based services under the new level-of-care assessment which will take effect on October 31, 2021. Additionally, new home and community based applicants can qualify under the old and new level-of-care assessments. The department anticipates being able to serve an additional 3,154 newly eligible individuals based on the dual levelof-care system by the end of the 2022 fiscal year. These individuals can receive home and community based services to assist them with activities of daily living and instrumental activities of daily living to be able to remain in their homes instead of having to enter long-term care facilities. This amendment is an emergency because the Centers for Medicare and Medicaid Services will not authorize the state/Department to be able to utilize the FMAP funds without bringing back the old level-of-care assessment that was effective when the American Rescue Plan Act was passed by the federal government. Additionally, this funding will allow those individuals who will no longer qualify for level-of-care as of October 31, 2021, under the new level-of-care assessment to be able to continue receiving home and community based services thus allowing these indidviduals to remain in their homes instead of having to enter costly long-term care facilities. As a result, the department finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 15, 2021, becomes effective October 29, 2021, and expires April 26, 2022.

- (1) For purposes of this rule only, the following definitions shall apply:
- (H) Pro re nata (PRN)—medication or treatment ordered by a physician to be administered as needed, but not regularly scheduled;
- [(H)](I) Recipient—any resident in a certified long-term care facility who is receiving inpatient Title XIX assistance;
- (J) Redetermination of level-of-care—the periodic assessment of the recipients' continued eligibility and need for continuation at the previously assigned level-of-care. Periodic assessment includes but is not limited to the following:
- 1. Assessment of new admissions to a long-term care facility:
- 2. Assessment of a change in mental and/or physical status for a resident who is being readmitted to a long-term care facility after transfer to an acute care facility, and the previous DA-124 A/B or C forms do not reflect the resident's current care needs; and
- 3. Assessment of DA-124 forms as requested by the Department of Social Services, Family Support Division.
  - [(1)](K) Reevaluation of level-of-care—the periodic assessment of

the recipients' continued eligibility and need for continuation at the previously assigned level-of-care. Periodic assessment includes but is not limited to the following:

- 1. Assessment of new admissions to a long-term care facility;
- 2. Assessment of a change in mental and/or physical status for a resident who is being readmitted to a long-term care facility after transfer to an acute care facility, and the previous DHSS-DRL-109 (10-20), Nursing Facility Level of Care Assessment or DHSS-DRL-110 (10-20), Level One Nursing Facility Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition forms do not reflect the resident's current care needs; and
- 3. Assessment of DHSS-DRL-109 (10-20), Nursing Facility Level of Care Assessment or DHSS-DRL-110 (10-20), Level One Nursing Facility Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition forms as requested by Department of Social Services, Family Support Division;
- [(J)](L) Resident—a person seventeen (17) years or older who by reason of aging, illness, disease, or physical or mental infirmity receives or requires care and services furnished by a long-term care facility and who resides in, is cared for, treated or accommodated in such long-term care facility for a period exceeding twenty-four (24) consecutive hours; and

[(K)](M) The department—Department of Health and Senior Services.

- (7) Dual level of care assessments to be performed to determine level-of-care need from October 31, 2021, until the date that all of the temporary enhanced federal medical assistance percentage funds from the American Rescue Plan Act of 2021 are expended.
- (A) The department is eligible to receive an additional ten (10) percent enhanced federal medical assistance percentage for home and community based services provided from April 1, 2021 through March 31, 2022, through the American Rescue Plan Act of 2021. This funding will allow the department to determine level-of-care need under the department's previous scoring system directly prior to the department's level-of-care transformation which takes effect on October 31, 2021, through formal rulemaking. Therefore, if an individual does not qualify for level-ofcare under the current eighteen (18) points level-of-care assessment as set forth in sections (5) and (6) of this rule from October 31, 2021, until the date that all of the temporary enhanced federal medical assistance percentage funds from the American Rescue Plan Act of 2021 are expended; then individuals shall also be assessed using a twenty-four (24) points level-of-care assessment as set forth in section (8) of this rule. An individual may qualify for level-of-care need under either of these level of care assessments from October 31, 2021, until the date that all of the temporary enhanced federal medical assistance percentage funds from the American Rescue Plan Act of 2021 are expended.
- (8) Second level-of-care determination to be performed from October 31, 2021, until the date that all of the temporary enhanced federal medical assistance percentage funds from the American Rescue Plan Act of 2021 are expended.
- (A) Initial Determination of Level-of-Care Needs Requirements.
- 1. For the purpose of making a determination of level-ofcare need and in accordance with 42 CFR sections 456.370 and 483.104, the department or its designated agents, or both, will conduct a review and assessment of the evaluations made by the attending physician for an applicant in or seeking admission to a long-term care facility. The review and assessment shall be conducted using the criteria in subsection (8)(D) of this rule.
- 2. The department shall complete the assessment within ten (10) working days of receipt of all documentation required by subsection (8)(D) in this rule unless further evaluation by the State Mental Health Authority is required by 42 CFR 483.100 to 483.138.

- (B) Redetermination of Level-of-Care Requirements.
- 1. Redetermination of level-of care of individual recipients who are eligible for placement in long-term care facilities shall be conducted by the department through a review and assessment of the DA-124A/B (10-21) Initial Assessment Social And Medical, DA-124C (10-21) Level One Nursing Facility Pre-Admission Screening For Mental Illness/Intellectual Disability or Related Condition, and DA-124C ATT (10-21) Notice To Applicant included herein and any documenation provided by the resident's attending physician. A referring individual shall fill out and submit the forms to the department at COMRU@health.mo.gov.
- (C) Level-of-Care Criteria for Long-Term Care Facility Care-Qualified Title XIX Recipients and Applicants.
- 1. Individuals will be assessed with the ultimate goal to achieve placement for these individuals in the least restrictive environment possible, yet enable them to receive all services required by their physical/mental condition.
- 2. The specific areas which will be considered when determining an individual's ability or inability to function in the least restrictive environment are—mobility, dietary, restorative services, monitoring, medication, behavioral, treatments, personal care and rehabilitative services.
- 3. To qualify for intermediate or skilled nursing care, an applicant or recipient shall exhibit physical impairment, which may be complicated by mental impairment or mental impairment which may be complicated by physical impairment, severe enough to require intermediate or skilled nursing care.
  - (D) Assessed Needs Point Designations Requirements.
- 1. Applicants or recipients will be assessed for level-of-care by the assignment of a point count value for each category cited in subsection (8)(C)2 of this rule.
- 2. Points will be assessed for the amount of assistance required, the complexity of the care, and the professional level of assistance necessary, based on the level-of-care criteria. If the applicant's or recipient's records show that the applicant's or recipient's attending physician has ordered certain care, medication or treatments for an applicant or recipient, the department will assess points for a PRN order if the applicant or recipient has actually received or required that care, medication, or treatment within the thirty (30) days prior to review and evaluation by the department.
- 3. For individuals seeking admission to a long-term care facility on or after October, 31, 2021, the applicant or recipient will be determined to be qualified for long-term care facility care if he or she is determined to need care with an assessed point level of twenty-four (24) points or above, using the assessment procedure as required in subsection (8)(D)7 of this rule.
- 4. For individuals seeking admission to a long-term care facility on or after October 31, 2021, an applicant with twenty-one (21) points or lower will be assessed as ineligible for Title XIX-funded long-term care in a long-term care facility, unless the applicant qualifies as otherwise provided in sections (5), (6) or (8)(D)5 or 6 in this rule.
- 5. Applicants or recipients may occasionally require care or services, or both, which could qualify as long-term care facility services. In these instances, a single nursing service requirement may be used as the qualifying factor, making the individual eligible for long-term care facility care regardless of the total point count. The determining factor will be the availability of professional personnel to perform or supervise the qualifying care services. Qualifying care services may include, but are not limited to
- A. Administration of levine tube or gastrostomy tube feedings;
  - B. Nasopharyngeal and tracheotomy aspiration;
- C. Insertion of medicated or sterile irrigation and replacement catheters:
  - D. Administration of parenteral fluids;
  - E. Inhalation therapy treatments;

- F. Administration of injectable medications other than insulin, if required other than on the day shift; and
- G. Requirement of intensive rehabilitation services by a professional therapist at least five (5) days per week.
- 6. An applicant or recipient will be considered eligible for inpatient Title XIX assistance regardless of the total point count if the applicant or recipient is unable to meet physical/mental requirements for residential care facility (RCF) or assisted living facility (ALF) residency as specified by section 198.073, RSMo.
- 7. Points will be assigned to each category, as required by subsection (8)(C)2 in this rule, in multiples of three (3) according to the following requirements:
- A. Mobility is defined as the individual's ability to move from place-to-place. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as independently mobile, in that the applicant or recipient requires no assistance for transfers or mobility. The applicant or recipient may use assistive devices (cane, walker, wheelchair) but is consistently capable of negotiating without assistance of another individual;
- (II) Three (3) points if assessed as requiring minimum assistance, in that the applicant or recipient is independently mobile once the applicant or recipient receives assistance with transfers, braces or prosthesis application or other assistive devices, or a combination of these (example, independent use of wheelchair after assistance with transfer). This category includes individuals who are not consistently independent and need assistance periodically;
- (III) Six (6) points if assessed as requiring moderate assistance, in that the applicant or recipient is mobile only with direct staff assistance. The applicant or recipient must be assisted even when using canes, walker or other assistive devices; and
- (IV) Nine (9) points if assessed as requiring maximum assistance, in that the applicant or recipient is totally dependent upon staff for mobility. The applicant or recipient is unable to ambulate or participate in the ambulation process, requires positioning, supportive device, application, prevention of contractures or pressure sores and active or passive range of motion exercises;
- B. Dietary is defined as the applicant's or recipient's nutritional requirements and need for assistance or supervision with meals. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as independent in dietary needs, in that the applicant or recipient requires no assistance to eat. The applicant or recipient has physician's orders for a regular diet, mechanically altered diet or requires only minor modifications (example, limited desserts, no salt or sugar on tray);
- (II) Three (3) points if assessed as requiring minimum assistance, in that the applicant or recipient requires meal supervision or minimal help, such as cutting food or verbal encouragement. Calculated diets for stabilized conditions shall be included;
- (III) Six (6) points if assessed as requiring moderate assistance, in that the applicant or recipient requires help, including constant supervision during meals, or actual feeding. Calculated diets for unstable conditions are included; and
- (IV) Nine (9) points if assessed as requiring maximum assistance, in that the applicant or recipient requires extensive assistance for special dietary needs or with eating, which could include enteral feedings or parenteral fluids;
- C. Restorative services are defined as specialized services provided by trained and supervised individuals to help applicants or recipients obtain and/or maintain their optimal highest practicable functioning potential. Each applicant or recipient must have an individual overall plan of care developed by the provider with written goals and response/progress documented. Restorative services may include, but are not limited to: applicant or recipient teaching program (self-transfer, self-administration of medications, self-care), range of motion, bowel and bladder program, remotivational therapy, validation therapy, patient/family program and individualized activity program. The applicant or

recipient will receive—

- (I) Zero (0) points if restorative services are not required;
- (II) Three (3) points if assessed as requiring minimum services in order to maintain level of functioning;
- (III) Six (6) points if assessed as requiring moderate services in order to restore the individual to a higher level of functioning; and
- (IV) Nine (9) points if assessed as requiring maximum services in order to restore to a higher level of functioning. These are intensive services, usually requiring professional supervision or direct services:
- D. Monitoring is defined as observation and assessment of the applicant's or recipient's physical and/or mental condition. This monitoring could include assessment of—routine laboratory work, including but not limited to, evaluating digoxin and coumadin levels, measurement and evaluation of blood glucose levels, measurement and evaluation of intake and output of fluids the individual has received and/or excreted, weights and other routine monitoring procedures. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as requiring only routine monitoring, such as monthly weights, temperatures, blood pressures and other routine vital signs and routine supervision;
- (II) Three (3) points if assessed as requiring minimal monitoring, in that the applicant or recipient requires periodic assessment due to mental impairment, monitoring of mild confusion, or both, or periodic assessment of routine procedures when the recipient's condition is stable;
- (III) Six (6) points if assessed as requiring moderate monitoring, in that the applicant or recipient requires recurring assessment of routine procedures due to the applicant's or recipient's unstable physical or mental condition; and
- (IV) Nine (9) points if assessed as requiring maximum monitoring, which is intensive monitoring usually by professional personnel due to applicant's or recipient's unstable physical or mental condition;
- E. Medication is defined as the drug regimen of all physician-ordered legend medications, and any physician-ordered non-legend medication for which the physician has ordered monitoring due to the complexity of the medication or the condition of the applicant or recipient. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as requiring no medication, or has not required PRN medication within the thirty (30) days prior to review and evaluation by the department;
- (II) Three (3) points if assessed as requiring any regularly scheduled medication and the applicant or recipient exhibits a stable condition;
- (III) Six (6) points if assessed as requiring moderate supervision of regularly scheduled medications, requiring daily monitoring by licensed personnel; and
- (IV) Nine (9) points if assessed as requiring maximum supervision of regularly scheduled medications, a complex medication regimen, unstable physical or mental status or use of medications requiring professional observation and assessment, or a combination of these;
- F. Behavioral is defined as an individual's social or mental activities. The applicant or recipient will receive—
- (I). Zero (0) points if assessed as requiring little or no behavioral assistance. Applicant or recipient is oriented and memory intact;
- (II). Three (3) points if assessed as requiring minimal behavioral assistance in the form of supervision or guidance on a periodic basis. Applicant or recipient may display some memory lapses or occasional forgetfulness due to mental or developmental disabilities, or both. Applicant or recipient generally relates well with others (positive or neutral) but needs occasional emotional

support;

- (III) Six (6) points if assessed as requiring moderate behavioral assistance in the form of supervision due to disorientation, mental or developmental disabilities or uncooperative behavior; and
- (IV) Nine (9) points if assessed as requiring maximum behavioral assistance in the form of extensive supervision due to psychological, developmental disabilities or traumatic brain injuries with resultant confusion, incompetency, hyperactivity, hostility, severe depression, or other behavioral characteristics. This category includes residents who frequently exhibit bizarre behavior, are verbally or physically abusive, or both, or are incapable of self-direction. Applicants or recipients who exhibit uncontrolled behavior that is dangerous to themselves or others must be transferred immediately to an appropriate facility;
- G. Treatments are defined as a systematized course of nursing procedures ordered by the attending physician. The applicant or recipient will receive—
- (I) Zero (0) points if no treatments are ordered by the physician;  $\$
- (II) Three (3) points if assessed as requiring minimal type-ordered treatments, including nonroutine and preventative treatments, such as whirlpool baths and other services;
- (III) Six (6) points if assessed as requiring moderate type-ordered treatments requiring daily attention by licensed personnel. These treatments could include: daily dressings, PRN oxygen, oral suctioning, catheter maintenance care, treatment of stasis or pressure sore ulcers, wet/moist packs, maximist and other such services; and
- (IV) Nine (9) points if assessed as requiring maximum type-ordered treatments of an extensive nature requiring provision, direct supervision, or both, by professional personnel. These treatments could include: intratrachial suctioning; insertion or maintenance of suprapubic catheter; continuous oxygen; new or unregulated ostomy care; dressings of deep draining lesions more than once daily; care of extensive skin disorders, such as advanced pressure sore or necrotic lesions; infrared heat and other services;
- H. Personal care is defined as activities of daily living, including hygiene; personal grooming, such as dressing, bathing, oral and personal hygiene, hair and nail care, shaving; and bowel and bladder functions. Points will be determined based on the amount of assistance required and degree of assistance involved in the activity. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as requiring no assistance with personal care in that the applicant or recipient is an independent, self-care individual. No assistance is required with personal grooming; the applicant or recipient has complete bowel and bladder control;
- (II) Three (3) points if assessed as requiring minimal assistance with personal care, in that the applicant or recipient requires assistance with personal grooming, and/or exhibits infrequent incontinency (once a week or less);
- (III) Six (6) points if assessed as requiring moderate assistance with personal care, in that the applicant or recipient requires assistance with personal grooming, requiring close supervision or exhibits frequent incontinency (incontinent of bladder daily but has some control or incontinent of bowel two (2) or three (3) times per week), or a combination of these; and
- (IV) Nine (9) points if assessed as requiring maximum assistance with personal care, in that the applicant or recipient requires total personal care to be performed by another individual, and/or exhibits continuous incontinency all or most of the time; and
- I. Rehabilitation is defined as the restoration of a former or normal state of health through medically-ordered therapeutic services either directly provided by or under the supervision of a qualified professional. Rehabilitation services include, but are

not limited to: physical therapy, occupational therapy, speech therapy, and audiology. If ordered by the physician, each resident must have an individually planned and implemented program with written goals and response/progress documented. Points will be determined by intensity of required services and the applicant's or recipient's potential for rehabilitation as determined by the rehabilitation evaluation. The applicant or recipient will receive—

- (I) Zero (0) points if assessed as requiring no ordered rehabilitation services;
- (II) Three (3) points, if assessed as requiring minimalordered rehabilitation services of one (1) time per week;
- (III) Six (6) points if assessed as requiring moderateordered rehabilitative services of two (2) or three (3) times per week; or
- (IV) Nine (9) points if assessed as requiring maximumordered rehabilitative services of four (4) times per week or more.

#### **Emergency Rules**



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES DIVISION OF REGULATION AND LICENSURE

#### **INITIAL ASSESSMENT - SOCIAL AND MEDICAL**

FSD CO. NO.	CASH
LOAD NO.	☐ XIX

The state of the s						1		
All questions on this form must	be answered – wri	te N/A if not applicable. E	Blank are	eas will result i	n return of docu	ıment and d	elay in payn	nent.
A. SOCIAL ASSESSMENT								
1. PERSON'S NAME (LAST, FIRST, MI)	)		2. DCN		3. DOB	4. SOCIAL	SECURITY NU	JMBER
5. SEX	10. CURRENT LOCA	ATION (ADDRESS)						
6. RACE	11. Have you ever se than dishonorable	erved on active duty in the Arme	ed Forces	of the United State	es and separated fr	om such servic	ce under condit	ions other
7. EDUCATION LEVEL		like to receive information and	accietano	o rogarding the ac	ionev'e votoran con	vicos2 □ Ve	s	
☐ GRADE SCHOOL ☐ HIGH SCHOOL		OSED NURSING FACILITY			UARDIAN   OR I			BSON
☐ COLLEGE ☐ OTHER	PLACEMENT, PH		NAME _		07111017111 [ ] 0111	)LOIGIW(ILD	001111101112	
8. OCCUPATION								
			-					
9. DATE ADMITTED TO NF			PHONE					
B. MEDICAL ASSESSMENT								
Attach additional sheets of information	on if necessary.							
1. HEIGHT 2. WEIGHT		MEDICAL INCIDENTS (i.e., C	VA, SURC	GERY, FRACTUR	E, HEAD INJURY,	ETC., AND GIV	VE DATE)	
3. B/P 4. PULSE	<u> </u>							
5. DATE OF LAST MEDICAL EXAM	RESIDUAL	EFFECTS: ————						
7. SPECIAL LAB TESTS AND	8. PRESCRIPTION D	RUGS (DOSAGE AND FREQU	JENCY, IN	NCLUDING PRNS	; SHOULD CORRE	LATE WITH D	IAGNOSES)	
FREQUENCY	1	4			7	′		
	2	5	i		8	ś		
	3	6	i			)		
9. LIST ALL DIAGNOSES (SHOULD CO	RRELATE WITH MEI	DICATIONS) (INCLUDE PSYC	H DX)		PROBLEM AREAS	AND/OR	11. ST	ABILITY
1	6			ADDITIONAL	COMMENTS		☐ 1. II	MPROVING
2	7						D 2. S	TABLE
3	8						— П 3. С	ETERIORATING
4	9						—	JNSTABLE
5	10							
12. LEVEL OF CARE REQUESTED BY	PERSON'S PHYSICIA	AN (CHECK ONE)	RCF	□ ICFMR	□MH □SUP	PLEMENTAL N	NC □HOM	IE CARE
13. MENTAL STATUS (CHECK ALL TH	AT 14. BEHAVIC	DRAL INFORMATION (CHE	CK ONE	15. FUNCTIONA	L IMPAIRMENT (C	HECK ALL TH	IAT APPLY AN	ID GIVE
APPLY)	BOX FOR	,		RATIONALE				
☐ ORIENTED TO: ☐ person, ☐ pl	NONE MIN M	OD MAX		_				
☐ time		☐ ☐ WITHDRAWN		_	G			
☐ THINKS CLEARLY		☐ ☐ HYPERACTIVE ☐ WANDERS			l			
☐ LETHARGIC		SUSPICIOUS		_	ATION			
☐ ALERT		☐ ☐ COMBATIVE			DEXTERITY			
☐ MEMORY: ☐ good, ☐ fair,		☐ ☐ SUPERVISED FOR ☐ CAUSES MGT. PR		☐ TOILETI				
☐ poor		☐ CONTROLLED WITH MED	DICATION(S)		O SAFETY			
16. ASSESSED NEEDS (CHECK APPR	OPRIATE BOX FOR E	EACH; GIVE RATIONALE PLU	S AMOUN	NT OF STAFF ASS	SISTANCE NEEDE	D. (YOU MUST	USE GUIDE	#1 ON BACK.)
NONE MIN MOD MAX  □ □ □ □ 1. MOB	NI ITV							
	ARY							
	TORATIVE SERVICES							
□ □ □ 4. MON								
□ □ □ 5. MED	ICATION							
□ □ □ 6. BEH.	AVIOR/MENTAL CON	D						
	SONAL CARE							
□ □ □ 9. REH	AB. SERVICES							
17. POTENTIAL FOR REHAB GO	OOD	☐ POOR			CENTRAL OF LEVEL OF CARE I			DRL CENTRAL
18. PATIENT REFERRED BY		19. FORM COMPLETED BY			OFFICE			
NAME OF INDIVIDUAL OR AGENCY		SIGNATURE OF INDIVIDUAL			□1 NF □ 2 I	ID 3 MH	4 SNC	☐5 NONE
ADDRESS		TELEPHONE NUMBER			NEXT EVALUATION	DATE	SIGNATURE DA	TE
TELEPHONE		FAX NUMBER	DA	TE.	STATE PHYSICAN'S	CONSULTANT		

#### **GUIDE #1 - ASSESSED NEEDS:**

- 1. MOBILITY individual's ability to move from place to place. Do they require assistive device, physical assist with transfer, mobile only with physical assist or unable to ambulate and/or totally dependent?
- 2. DIETARY individual's nutritional requirements and need for assist and/or supervision with meals. Do they have a special diet, require tray set up, cueing, feeding or on tube feedings or IV fluids?
- 3. RESTORATIVE specialized services provided to help individual obtain/maintain optimal function potential. Is individual receiving ROM, B & B program, RO, frequency, and amount of assistance required?
- MONITORING Observation and assessment of individual's physical and mental condition. This may include routine lab work, I & O, clinitest, acetest, weights and other routine procedures.
- MEDICATION A drug regimen of all physician ordered legend and non-legend drugs for which a physician has ordered monitoring due to complexity of drug or condition of individual.
- 6. BEHAVIORAL individual's social or mental activities. Does individual require supervision/guidance or assist due to their behavior? Are they alert, oriented, disoriented, uncooperative, abusive or incapable of self-direction?
- 7. TREATMENTS a systematized course of nursing procedures ordered by the attending physician. What is the treatment and how often is it ordered? Is the treatment non-routine and preventive, require daily attention by a professional or require extensive direct supervision?
- 8. PERSONAL CARE activities of daily living, including hygiene, personal grooming (dressing, bathing, oral hygiene, hair and nail care, shaving), and bowel and bladder function. Does daily care require supervision, close supervision or total care?
- 9. REHABILITATION restoration of former or normal state of health through medically ordered therapeutic services either directly provided by or under the supervision of a qualified professional, which may include PT, OT, ST and audiology. What type of rehab is individual receiving and how often do they receive it?

NOTE: Refer to 19 CSR 30-81.030 for complete details of point count system.

#### GUIDE #2 - INSTRUCTIONS (for Pre-Admission Screenings):

#### A. NURSING FACILITY ADMISSIONS FROM HOSPITALS-

- 1. If the person is hospitalized and will or MAY seek placement in a Medicaid certified bed within a skilled or intermediate nursing facility upon discharge, the hospital completes the Level One (I) Screening (DA-124C form) as soon as possible. If a Level Two (II) Screening is then indicated, the hospital also completes the DA-124A/B form (all questions must be answered). Email both forms to: COMRU@health. mo.gov. NOTE: The hospital must take immediate action since the Level II Screening process takes 7-9 working days to complete. The physician's signature, discipline, license number and date are ALWAYS required.
- 2. In Missouri, Federal & State regulations require that Level II Screenings be completed PRIOR to nursing facility placement EXCEPT when a person qualifies for a SPECIAL ADMISSION CATEGORY (follow directions on DA-124C form). NOTE: COMRU nurse may require copy of History & Physical.

### B. NURSING FACILITY ADMISSIONS FROM HOME OR RCF OR ALF-

- 1. Skilled/intermediate nursing facilities receiving persons directly from home should assist families in completing the Level I Screening (DA-124C) with instructions for them to obtain the family physician's signature. If a Level II Screening is indicated, completion of the DA-124A/B follows, as outlined in section A, #1 and 2.
- 2. EMERGENCY ADMISSIONS FROM HOME OR RCF OR ALF–If the person is a danger to himself or others, or if protective oversight is necessary, call the Adult Abuse and Neglect Hotline, 1-800-392-0210. Explain the emergency and ask that a DHSS Worker review the client for EMERGENCY admission to a skilled/intermediate nursing facility. Complete the DA-124A/B & C forms and contact COMRU immediately (573-522-3092). If the emergency occurs at night or on a weekend, do the same and contact COMRU at open of next business day before emailing the forms. If the person will require more than 7 days in a nursing facility, notify COMRU immediately.
- 3. All Medicaid certified beds, including swing beds, within skilled/intermediate nursing facilities MUST have a completed DA-124C form. If the person is PRIVATE PAY and their Level I Screening does NOT indicate the need for a Level II Screening, the DA-124C form is kept in their chart (on file) until they apply for Medicaid. At that time, a current DA-124A/B form is completed, attached to the original DA-124C form, and mailed to the same address as in section A, #1.

#### C. NURSING FACILITY TRANSFERS-

- 1. When persons transfer from one skilled/intermediate nursing facility to another, the sending facility furnishes a copy of their DA-124A/B & C forms to the receiving facility. The receiving facility then notifies their local FSD office of the transfer.
- 2. When persons transfer from one skilled/intermediate nursing facility to another and application for Medicaid is not indicated, the ORIGINAL DA-124C form must follow to the next facility.

### D. TRANSFERS FROM A FACILITY TO A HOSPITAL TO ANOTHER FACILITY-

- 1. When the person transfers from one skilled/intermediate facility to a hospital, then to another skilled/intermediate facility, hospitals must consider the following prior to placement:
- a. If the person did not need a Level II Screening prior to placement at the sending facility, no new forms are indicated if this hospital stay does not exceed 60 days (unless a current Level I Screening indicates the need for a Level II Screening).
- b. If the person had a Level II Screening prior to placement at the sending facility, but is being hospitalized for acute medical treatment, no new forms are necessary if the hospital stay does not exceed 60 days.

#### E. PERSON IS DISCHARGED HOME BUT UNABLE TO STAY-

1. If person is out of facility less than 60 days, no new forms are required. Notify local FSD office of person's readmission.

MO 580-2460 (10-2021) DA-124A/B (10-21)



### MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES DIVISION OF REGULATION AND LICENSURE

#### **NOTICE TO APPLICANT**

APPLICANT'S NAME
Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?  Yes  No
If yes, would you like to receive information and assistance regarding the agency's veteran services?
Federal Law (Section 1919(b) of the Social Security Act) requires a mental health screening for all persons seeking admission to a Medicaid certified nursing home. The purpose of this law, known as the Nursing Home Reform Act, is to ensure persons with mental health related conditions are placed in appropriate living arrangements where both their physical and mental health needs may be treated.
You are seeking admission to a Medicaid certified bed. Even though you may have completed screenings required by Missouri Department of Health and Senior Services, the nursing facility may <b>not</b> admit you to a Medicaid certified bed until all required mental health screenings are done.
The mental health screening is divided into two parts. The first screening (Level I) is done by the nursing home as part of the admission process or by a hospital before a patient is discharged. If the Level I screening suggests that you have a mental health need, a full evaluation (Level II) must be done by the Department of Mental Health.
This notice is to tell you that your Level I screening indicates that you may have a mental health service need. This means:
☐ 1. You may <u>not</u> be admitted to the nursing facility until there is a determination that nursing home placement is appropriate.
<ul> <li>Due to the seriousness of your physical illness, you may be admitted to the nursing home. A full evaluation will be done later to determine if nursing home placement is appropriate.</li> </ul>
☐ 3. Due to your need for <b>Respite Care</b> , you may be admitted to the nursing facility for no more than 30 days without a full evaluation if nursing home placement is appropriate.
4. Due to your need for <b>Emergency Care</b> for protection, you may be admitted to the nursing facility for no more than 7 days without a full evaluation to determine if nursing home placement is appropriate.
5. Your physician has certified that you are likely to require less than 30 days of nursing facility services for the condition for which you are currently receiving hospital care. If it becomes apparent that you will stay longer than 30 days, a full evaluation must be done at that time to determine that continued nursing home placement is appropriate.
Full Manual Hankle Fundamilian

#### **Full Mental Health Evaluation**

If a full mental health evaluation must be done, persons employed or contracted by the Department of Mental Health will contact you. The purpose of the full evaluation is to see if you:

- 1) have a mental health condition as defined by the Nursing Home Reform Act,
- 2) need nursing home level of care or another living arrangement, and
- 3) need special mental health services that the nursing home is unable to provide, or
- 4) need lessor intensity mental health services that the nursing home is mandated by law to provide.

You, or your legal representative, will be given the results of the full evaluation and appeal rights. If the results show that nursing home care is not right for your physical and mental health needs, the Department of Health and Senior Services and Department of Mental Health will give you information about other services that may better meet your needs.

MO 580-2461 (10-2021) DA-124C ATT. (10-21)



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES DIVISION OF REGULATION AND LICENSURE

#### LEVEL ONE NURSING FACILITY PRE-ADMISSION SCREENING FOR MENTAL ILLNESS/INTELLECTUAL DISABILITY OR RELATED CONDITION

SECTION A. IDENTIFYING INFORMATION	ig for authission to a Medicalo	certified bed to det	emine appropriate	ness of	the nursing facility placen	nent.	CONTRACTOR OF THE PARTY OF THE
1. PERSON'S NAME (LAST, FIRST, MI)	2. DCN	3. SSN	management of the His		4. DOB	5. SEX	6. RACE
7. PERSON'S MAILING ADDRESS (STREET, CITY, STATE	TE, ZIP)		8. COUNTY	9.	TELEPHONE NUMBER		
Have you ever served on active duty in the conditions other than dishonorable?     If yes, would you like to receive information.					_	Yes  Yes	No No
11. NAME AND ADDRESS OF PROPOSED FACILITY	•	,			ELEPHONE NUMBER		
12. CHECK THE APPROPRIATE RESPONSE DESCRIBIT	NG THE PERSON'S PRIOR L	IVING ARRANGEM	ENTS				
UIN OWN HOME OR OTHER NON-INSTITUTIONAL SE GROUP HOME HOSPITAL: (GIVE REASON FOR HOSPITAL ADMISS	OTHER	NTIAL CARE FACII	LITY	∐ NUF	RSING FACILITY		
SUBMITTING FAC CONTACT	SION HERE)				TELEPHONE NUMBER		
SECTION B. LEVEL ONE SOREENING OR	TERIA FOR SERIOUS	MENTAL ILLN	ECC				
SECTION B. LEVEL ONE SCREENING CRI  1. DOES THIS PERSON SHOW ANY SIGNS OR SYMP  NO YES - LIST HERE:			E55				
GO TO NEXT QUESTION							
2. HAS THIS PERSON EVER BEEN DIAGNOSED AS H.	AVING A MAJOR MENTAL D	ISORDER? YOU MI	JST USE GUIDE #	#3 ON B	ACK.		
GO TO NEXT QUESTION     IS THE PRIMARY REASON FOR NURSING FACILITY	PLACEMENT DUE TO DEM	ENTIA, INCLUDING	ALZHEIMER'S DI	SEASE	OR RELATED DISORDE	R? USE GUI	DE #4 ON
BACK.  NO - IF NO, GO TO THE NEXT QUESTION							
YES - IF YES, GIVE DX AND SKIP TO SECTION DX:	C #1 & #2.						
4. HAS THE PERSON HAD SERIOUS PROBLEMS IN L	EVEL(S) OF FUNCTIONING	N THE LAST SIX M	ONTHS? YOU MU	JST USE	GUIDE #5 ON BACK.		
U NO U YES  ◆ GO TO NEXT QUESTION							
HAS THE PERSON RECEIVED INTENSIVE PSYCHIA     NO YES     GO TO NEXT SECTION (C).	ATRIC TREATMENT IN THE I	PAST TWO YEARS	? YOU MUST USE	GUIDE	#6 ON BACK.		
SECTION C. LEVEL ONE SCREENING CRI	TERIA FOR INTELLE	TUAL DISABI	LITY OR RELA	ATED	CONDITION		
IS THE PERSON KNOWN OR SUSPECTED TO HAVE     NO YES - DX:	E INTELLECTUAL DISABILIT	Y THAT ORIGINAT	ED PRIOR TO AG	E 18?			
GO TO NEXT QUESTION     IS THE PERSON KNOWN OR SUSPECTED TO HAV	E A RELATED CONDITION?	YOU MUST USE G	UIDE #7 ON BACH	K.			
NO YES - DX:  THIS COMPLETES THE LEVEL I SCREENING. ILLNESS. IF YOU CHECKED YES ON #1 OR 2 IF	IF YOU CHECKED YES ON N SECTION C. A LEVEL II SO	#4 OR 5 IN SECTION	ON B, A LEVEL II	SCREE	NING IS INDICATED FO	OR SERIOUS	MENTAL
TO NEXT SECTION (D).			19201000				
SECTION D. SPECIAL ADMISSION CATEGORIES  DOES THE PERSON'S CONDITION QUALIFY HIMHER				IS IN			
IF YES, CHECK ONLY ONE OF THE FOLLOWING, IF	IT APPLIES. YOU MUST US		SSE 504				
1. TERMINAL ILLNESS - expected to result in     2. SERIOUS PHYSICAL ILLNESS - severe/en		condition) as listed of	on back.				
3. RESPITE CARE - stays not more than thirty	days to provide relief for in-he	ome caregivers.					
4. EMERGENCY PROVISIONAL ADMISSION 5. DIRECT TRANSFER FROM A HOSPITAL -			and the state of t				
SECTION E. PERMISSION TO PERFORM	SCREENING		Dela His big	Sein!	4 6 4 7 2 3 3 4 4		
I HAVE RECEIVED NOTICE THAT I MAY NEED F RELEASE OF ANY PERTINENT MEDICAL/PSYCI	HIATRIC RECORDS TO T			S LEGA	ALLY AUTHORIZED R		
SIGNATURE OF PERSON OR LEGAL GUARDIAN GRANTING CONSE	NT .			>	ATE (		
WITNESS #1 (IF SIGNED BY MARK)		WITNESS #2 (IF SIG	NED BY MARK)				
SECTION F. PHYSICIAN'S AUTHORIZATION	ON AND SIGNATURE (	Always require	ed)				
I ATTEST THAT THE INFORMATION ON THIS FOR		CORRECT AS K	NOWN TO ME.	In	ATE		
X	- IVAIVEII				ζ		
MO 580-3374 (10-2021)			100000000000000000000000000000000000000			DA-	-124C (10-21

GUIDE #3 - Major Mental Disorder diagnoses include: Schizophrenia, Schizoaffective Disorder, Delusional Disorder, Major Depressive Disorder, Bipolar Disorder, Panic Disorder, Severe Anxiety Disorder, Somatoform Disorder, Personality Disorder, Anorexia Nervosa.

GUIDE #4 - <u>Alzheimer's Disease</u>: Defined as a dementia with insidious onset with a generally progressive deteriorating course. Diagnoses include Alzheimer's disease with delirium, Alzheimer's disease with delusions, Alzheimer's disease with depression, Major Neurocognitive Disorder, or Alzheimer's disease uncomplicated.

Related Disorder: An organic disorder or condition which manifests itself as a change in the persons' mood, orientation, or behavior. Examples are:

- · Anxiety Disorder due to Another Medical Condition,
- · Psychotic Disorder due to Another Medical Condition,
- · Delirium due to General Medical Condition,
- Vascular Neurocognitive Disorder DSM-5.

Also consider other central nervous system conditions that cause progressive deficits in memory or cognition such as:

- · Cerebrovascular disease,
- · Parkinson's disease,
- · Huntington's disease, or
- Systemic conditions that are known to cause dementia (such as hypothyroidism, vitamin B12 deficiency, etc.)

**GUIDE #5** - <u>Serious Problems in Level of Functioning</u>; Defined as functional limitations in major life activities that would be appropriate for the individual's developmental stage. An individual typically has at least one of the following characteristics on a continuing or intermittent basis:

- Interpersonal functioning individual has serious difficulty interacting appropriately and communicating effectively with other persons; has a possible history of altercations, evictions, firing, fear of strangers, avoidance of interpersonal relationships and social isolation.
- Concentration, persistence and pace Individual has serious difficulty in sustaining focused attention for a long enough period to permit completion of tasks commonly found in work settings or in work-like structured activities occurring in school or home settings; manifests difficulties in concentration; inability to complete simple tasks within an established time period; makes frequent errors; or requires assist in completion of these tasks; and
- Adaptation to change Individual has serious difficulty in adapting to typical changes in circumstances associated with work, school, family, or social interaction; manifests agitation, exacerbated signs and symptoms associated with the mental illness, or withdrawal from the situation, or requires intervention by mental health or judicial system.

#### GUIDE #6 -Intensive Psychiatric Treatment. Defined as:

- · inpatient psychiatric hospitalization and/or
- any intensive mental health service provided by mental health professionals that is required to stabilize or maintain a person experiencing major mental disorder. Services may be rendered within their current residence, or the person may be moved to another residential setting. These services are not merely medication changes, weekly counseling sessions or routine outpatient visits.

**GUIDE #7** - Intellectual Disability Related Conditions: Defined as related to intellectual disability if it:

- a) results in impairment of general intellectual functioning or adaptive behavior similar to that of intellectual disability, and requires treatment/services similar to intellectual disability; and
- b) occurs before the age of 22; and
- c) is likely to continue indefinitely; and
- d) results in substantial functional limitations in 3 or more major

life activities (see following list):

- · self-care.
- understanding and use of language,
- · learning,
- mobility,
- self-direction, and
- · capacity for independent living.

Examples of diagnoses that may qualify as related condition if all criteria "a" through "d" (above) are met:

- · cerebral palsy,
- · epilepsy,
- · head or spinal cord injury,
- · autism,
- · severe hearing and visual impairment,
- · multiple sclerosis,
- · spina bifida,
- muscular dystrophy,
- orthopedic impairment.

NOTE: Mental illness is not considered a related condition; it is covered under Screening Criteria for Serious Mental Illness.

#### GUIDE #8 - Special Admission Categories:

- TERMINAL ILLNESS. The person has a terminal illness which is expected to result in death in six (6) months or less. (Check Box 2 on Notice to Applicant Form.)
- SERIOUS PHYSICAL ILLNESS. Examples: comatose, ventilator dependent, functioning at brain stem level, or a diagnosis of severe/end stage chronic pulmonary disease, severe/end stage Parkinson's Disease, amyotrophic lateral sclerosis, severe/ end stage congestive heart failure, or end stage renal disease. (Check Box 2 on Notice to Applicant Form.)
- 3. RESPITE CARE. Defined as very brief, finite stays in a Nursing Facility provided for the purpose of relieving family, friends or other primary in-home caregivers with whom the person resides and will continue to reside following the respite stay. If it becomes apparent that the person will stay longer than 30 days, the nursing facility must immediately notify the Division of Regulation & Licensure, COMRU, at COMRU@health. mo.gov, to determine continued stay. (Check Box 3 on Notice to Applicant Form.)
- 4. EMERGENCY PROVISIONAL ADMISSION. An Emergency Admission must be HOTLINED. The admission is for the purpose of protecting the person from serious physical harm to self or others and will not exceed 7 days. If it becomes apparent that the person will stay longer than 7 day, the nursing facility must immediately notify the Division of Regulation & Licensure, COMRU, at COMRU@health.mo.gov, to determine continued stay. (Check box 4 on Notice to Applicant Form.)
- 5. DIRECT TRANSFER FROM A HOSPITAL. There must be physician certification that the person is likely to require less than 30 days of nursing facility services for the condition for which the person is currently receiving hospital care. If it becomes apparent that the person will stay longer than 30 days, the nursing facility must immediately notify the Division of Regulation & Licensure, COMRU, at COMRU@health.mo.gov, to determine continued stay. (Check Box 5 on Notice to Applicant Form.)
  - If none of the special admission categories apply, check Box 1 on Notice to Applicant Form.
  - Forms are available online at https://health.mo.gov/seniors/ nursinghomes/pasrr.php.

AUTHORITY: sections 192.006, 192.2000, and 198.079, RSMo 2016. This rule was previously filed as 13 CSR 40-81.084 and 13 CSR 15-9.030. Original rule filed Aug. 9, 1982, effective Nov. II, 1982. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 15, 2021, effective Oct.29, 2021, expires April 26, 2022. A proposed amendment covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency amendment will cost state agencies or political subdivisions twelve million six hundred one thousand four hundred forty dollars (\$12,601,440) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

### FISCAL NOTE PUBLIC COST

I. Department Title: Department of Health and Senior Services

Division Title: Division of Regulation and Licensure

**Chapter Title: Certification** 

Rule Number and Name:	19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants
Type of Rulemaking:	Emergency Amendment

#### II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
(1) Department of Health and Senior Services (DHSS), Division of Senior and Disability Services	\$12,601,440 during the six (6) months that the emergency amendment is in effect
TOTAL COSTS =	\$12,601,440 during the six (6) months that the emergency amendment is in effect

#### III. WORKSHEET

1600 (individuals who will qualify under the old level-of-care assessment for the six (6) months in which the emergency amendment is effective until the proposed amendment becomes effective) X \$1,312.65 (average monthly costs for Home and Community Based services)  $X \sin(6)$  months = \$12,601,440 during the six (6) months that the emergency amendment is in effect.

#### IV. ASSUMPTIONS

The section for long-term care does not anticipate that there will be any individuals qualifying under the old level-of-care assessment added back into 19 CSR 30-81.030(8) because most, if not all, individuals will qualify under the new level-of-care assessment in 19 CSR 30-81.030(5) which increased the level-of-care categories and lowered the required number of points to meet level-of-care in order to be determined as eligible for Title XIX-funded long-term care services.

The Division of Senior and Disability Services estimates that approximately 3,154 individuals will qualify annually under the old level-of-care assessment added back into 19 CSR 30-81.030(8). The Division of Senior and Disability Services estimates 1600 individuals will qualify under the old level-of-care assessment added back into 19 CSR 30-81.030(8) for the six (6) months that the emergency amendment is in effect. The average cost for individuals receiving Home and Community Based Services in 2021 is \$1,312.65 per month.

The money to pay for these Home and Community Based services will come from the temporary enhanced federal medical assistance percentage from the American Rescue Plan Act of 2021. The Missouri legislature will have to appropriate this federal funding to the Missouri Department of Health and Senior Services to be utilized for Home and Community Based services. This annual cost will continue until all of the funds from the temporary enhanced federal medical assistance percentage from the American Rescue Plan Act of 2021 that has been appropriated to the Missouri Department of Health and Senior Services has been expended by the Missouri Department of Health and Senior Services.

nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

ntirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder: **Boldface text indicates new matter**.

[Bracketed text indicates matter being deleted.]

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 25—Office of Childhood
Chapter 300—License-Exempt Child Care Facilities

#### PROPOSED AMENDMENT

**5 CSR 25-300.010 Definitions Relating to Child Care Facilities**. The State Board of Education is amending section (1).

PURPOSE: This amendment updates the terms used throughout Chapter 300 by removing, modifying, or replacing outdated terms and removing those terms not relevant to regulated child care.

- (1) The following definitions shall be used in interpreting the rules of this chapter:
- (A) Adult is an individual eighteen (18) years of age or older;
  - [(B) Bureau is the Bureau of Child Care Safety and

Licensure of the Department of Health responsible for enforcement of child care rules and laws;]

[(C)](B) Caregiver is the facility director or other child care staff whether they are paid or volunteering;

[(D)](C) Child care is care of a child away from his/her own home for any part of the [day or night] twenty-four- (24-) hour day for compensation or otherwise. Child care is a voluntary supplement to parental responsibility for the child's protection, development, and supervision:

- (D) Child care provider or provider is the person(s) having the following responsibilities:
- 1. Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and
- 2. Ultimate financial control of the operation of the facility; (E) Child care staff member is a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; individuals residing in a family child care home who are eighteen years of age or older; and individuals residing in a family child care home who are under eighteen years of age and have been certified as an adult for the commission of an offense;
- [(E)](F) Department is the Missouri Department of [Health] Elementary and Secondary Education;
- (G) Group size is the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well-defined physical space within a large room:
  - (H) Homeless children and youths-
- 1. Are individuals who lack a fixed, regular, and adequate nighttime residence; and
  - 2. Include:
- A. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- B. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- C. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- D. Migratory children who qualify as homeless because the children are living in the circumstances described above;

[(F)](I) Infant is a child less than twelve (12) months of age;

[[G]](J) Kindergarten is a children's educational program offered to prepare children for the first grade;

[(H)](K) License-exempt child care facility or facility is a nursery school not operated by a religious organization or [a] child care [operation run by] maintained or operated under the exclusive control of a religious organization, not including religious organization academic preschools or kindergartens;

[(1)](L) Local [health department] public health agency is an entity that enforces local public health codes and ordinances and provides other services related to public health;

[(J)](M) Nursery school is [a] an educational program for preschool-age children that is operated for no more than four (4) hours per child per day;

[(K)](N) Premises is a house(s), dwelling(s), or building(s) and the adjoining land of a license-exempt **child care** facility;

[(L)](O) Preschool-age child is a child [between] two [and]

through five (2-5) years of age not enrolled in kindergarten;

[(M) Registered professional nurse or registered nurse is one licensed under the provisions of sections 335.011—335.096, RSMo to engage in the practice of professional nursing;]

- (P) Religious organization is-
  - 1. A church, synagogue, or mosque;
- 2. An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the *Internal Revenue Code*; or
- 3. An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes;
- [/N]/(Q) Religious organization academic preschool **or kindergarten** is a child care program provided exclusively for four- (4-)[-] and five- (5-)[-] year[-] old children that is [operated by] maintained or operated under the exclusive control of a religious organization;
- [(O) Sanitarian is a person employed by a state or local health department that conducts sanitation inspections for license-exempt child care facilities;]
- [(P)](R) School-age child is a child [four (4)] five (5) years of age or older who is enrolled in kindergarten or [elementary school] above:
- [(Q)](S) Staff/child ratio is the number of caregivers required [for] in relation to the number of children in care;
- [(R)](T) Toddler is a child [between twelve (12) and twenty-four (24]] twelve to twenty-four (12-24) months of age; and
- [(S)](U) Variance is approval by the department for a provider not to be required to meet a specific requirement of the rules of this chapter.

AUTHORITY: section[s 210.221.1(3) and 210.252.5.] 161.092, RSMo 2016, and section 210.252, RSMo Supp. [1999] 2021. This rule was previously filed as 19 CSR 40-60.010. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.010 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6. 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Moved to 5 CSR 25-300.010, effective Aug. 30, 2021. Amended: Filed Oct. 6, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 300—License-Exempt Child Care Facilities

#### PROPOSED RESCISSION

**5 CSR 25-300.030 Local Inspections**. This rule established criteria for local health departments to conduct health and safety inspections and for local fire districts to conduct fire safety inspections of

license-exempt child care facilities.

PURPOSE: This rule is being rescinded as its provisions have been incorporated into other rules within this chapter, specifically 5 CSR 25-300.070 Fire Safety Requirements and 5 CSR 25-300.080 Sanitation Requirements.

AUTHORITY: section 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.030. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.030 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Moved to 5 CSR 25-300.030, effective Aug. 30, 2021. Rescinded: Filed Oct. 6, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 300—License-Exempt Child Care Facilities

#### PROPOSED AMENDMENT

**5 CSR 25-300.070 Fire Safety Requirements**. The State Board of Education is amending section (1) and adding section (6).

PURPOSE: This amendment replaces "the effective date of these rules" with "July 30, 1995" and adds language moved from 5 CSR 25-300.030.

- (1) These general fire safety requirements shall be followed at all facilities:
- (E) Facilities beginning operation after [the effective date of these rules] July 30, 1995, shall have a minimum ceiling height of seven feet (7') in all areas used for child care; and
- (6) Fire safety inspections of license-exempt facilities may be delegated to local fire districts if the standards employed for inspections are equivalent to those in this rule.

AUTHORITY: section[s 210.221.1(3) and 210.252.5] 161.092, RSMo 2016, and section 210.252, RSMo Supp. [1999] 2021. This rule was previously filed as 19 CSR 40-60.080. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.080 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Moved to 5 CSR 25-300.070, effective Aug. 30, 2021. Amended: Filed Oct. 6, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 300—License-Exempt Child Care Facilities

#### PROPOSED AMENDMENT

**5 CSR 25-300.080 Sanitation Requirements**. The State Board of Education is adding section (10).

PURPOSE: This amendment adds language moved from 5 CSR 25-300.030 and adds that the Missouri Department of Health and Senior Services may conduct sanitation inspections.

(10) Sanitation inspections of license-exempt facilities may be delegated to the Department of Health and Senior Services or local public health agencies if the standards employed for inspections are substantially equivalent to this rule. Fees, as provided for in section 192.300, RSMo, may be charged at the option of the local public health agency.

AUTHORITY: section[s 210.221.1(3) and 210.252.5] 161.092, RSMo 2016, and section 210.252, RSMo Supp. [1999] 2021. This rule was previously filed as 19 CSR 40-60.090. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.090 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Moved to 5 CSR 25-300.080, effective Aug. 30, 2021. Amended: Filed Oct. 6, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 300—License-Exempt Child Care Facilities

#### PROPOSED RESCISSION

5 CSR 25-300.100 Transportation and Field Trip Requirements.

This rule identified the requirements the provider in a license-exempt child care facility is responsible for when transporting children and taking field trips.

PURPOSE: This rule is rescinded based on a lack of statutory authority to enforce its provisions.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.110. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.110 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Moved to 5 CSR 25-300.100, effective Aug. 30, 2021. Rescinded: Filed Oct. 6, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 300—License-Exempt Child Care Facilities

#### PROPOSED AMENDMENT

**5 CSR 25-300.120 Variance Requests**. The State Board of Education is amending sections (1) and (2).

PURPOSE: This amendment updates the term "bureau" to "department" and the phrase "owner or facility director" to "facility owner or designee" and updates details for how a variance should be requested and how to request review of a variance denial.

- (1) Any facility [director] owner or designee may request a variance from [any portion of the rules of this chapter] a rule. The request for a variance shall be [made] submitted in writing to the department and shall include the [reasons for requesting the variance] rule(s) for which a variance is requested and the reason(s) for the request. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. Local inspectors may grant a variance, subject to approval by the department.
- (2) If a variance request is not [recommended by the bureau] approved by the department, the facility owner or [director] designee shall be advised in writing of the basis for the [recommendation] denial. [If the owner or facility director does not agree with the recommendation to deny the variance, s/he may request the department to make a final decision regarding the denial.] The facility owner or designee may request a review of the decision by the Commissioner of Education (commissioner) of the department or designee within thirty (30) calendar days of receipt of notification of the denial. The commissioner or designee shall have fifteen (15) business days to make the final determination on the variance request. That determination is subject to

#### Chapter 536, RSMo, review for license-exempt facilities.

AUTHORITY: section[s 210.221.1(3) and 210.252.5] 161.092, RSMo 2016, and section 210.252, RSMo Supp. [1999] 2021. This rule was previously filed as 19 CSR 40-60.040. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.040 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Moved to 5 CSR 25-300.120, effective Aug. 30, 2021. Amended: Filed Oct. 6, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 25—Office of Childhood Chapter 400—Licensing Rules for Family Child Care Homes

#### PROPOSED AMENDMENT

**5 CSR 25-400.010 Definitions**. The State Board of Education is adding new sections (4) and (9); removing sections (8), (10), (12), (16), (20), (22), (27), and (29); amending previously numbered section (7), (9), and (19); and renumbering sections accordingly.

PURPOSE: This amendment updates the terms used throughout Chapter 400 by removing, modifying, or replacing outdated terms, and removing those terms not relevant to licensed child care.

(4) Child care or day care is care of a child away from his/her own home for any part of the twenty-four- (24-) hour day for compensation or otherwise. Day care or child care is a voluntary supplement to parental responsibility for the child's protection, development, and supervision.

[(4)](5) A child care center or center, whether owned by a sole proprietor or other legal entity, is a child care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children for any part of the twenty-four- (24-) hour day.

[[5]](6) A child care facility or facility is a family child care home, group child care home, or child care center.

- [(6)](7) Child care provider, group child care home provider, or provider is the person(s) licensed or required to be licensed under section 210.211, RSMo, in order to establish, conduct, or maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the division:
- (A) Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and
  - (B) Ultimate financial control of the operation of the facility.

[(7)](8) Child care staff member is a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; [or] individuals residing in a family child care home who are eighteen (18) years of age and older; or individuals residing in a family child care home who are under eighteen (18) years of age and have been certified as an adult for the commission of an offense.

- [(8) Day care or child care is care of a child away from his/her own home for any part of the twenty-four- (24-) hour day for compensation or otherwise. Day care or child care is a voluntary supplement to parent responsibility for the child's protection, development, and supervision. Day care or child care may be given in a family child care home, group child care home, or child care center.]
- (9) Commissioner is the Commissioner of Education for the Missouri Department of Elementary and Secondary Education.
- [/9]/(10) Department is the Missouri Department of [Health and Senior Services] Elementary and Secondary Education.
- [(10) Director is the director of the Missouri Department of Health and Senior Services.
- (12) Graded boarding school is a public or private school which provides education in at least the first through the sixth grade and which provides lodging and meals for the pupils for the standard school term.]

[(13)](12) A group child care home, whether owned by a sole proprietor or other legal entity, is a child care program where care is given by a person licensed as a group child care home provider for not more than twenty (20) children for any part of the twenty-four-(24-) hour day. A group child care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one (1) group child care home or family child care home.

[(14)](13) Group size is the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well-defined physical space within a large room.

[(15)](14) Homeless children and youths—

- (A) Are individuals who lack a fixed, regular, and adequate night-time residence; and
  - (B) Include:
- 1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- 2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- 3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- 4. Migratory children who qualify as homeless because the children are living in the circumstances described above.
- [(16) An hourly care facility is a facility licensed exclusively for irregular, intermittent, hourly care.]

[(17)](15) Infant is any child under twelve (12) months of age.

[(18)](16) Legal entity is the lawful or legally standing individual, corporation, sole proprietorship, general partnership, limited partnership, limited liability partnership, limited liability company, limited liability limited partnership, partnership, charity, and other forms of organization that has the legal capacity to enter into agreements, contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and that is accountable for illegal activities.

[(19)](17) Licensee is an individual or other legal entity who has been granted a child care license by the Department of [Health and Senior Services] Elementary and Secondary Education.

[(20) Montessori school is a child care program that subscribes to Maria Montessori's educational philosophy and is accredited by the American Montessori Society or the Association Montessori Internationale.]

[(21)](18) Night is the part of the twenty-four- (24-) hour day between 9:00 p.m. and 6:00 a.m.

[(22) Nursery school is a program operated by a person or organization with the primary function of providing an educational program for preschool-age children for no more than four (4) hours per child per day.]

[[23]](19) Premises is a house(s), dwelling(s), or building(s) and its adjoining land.

[[24]](20) Preschool child is any child two through five (2-5) years of age who is not in kindergarten.

[(25)](21) A religious organization is—

- (A) A church, synagogue, or mosque;
- (B) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the *Internal Revenue Code*; or
- (C) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

[[26]](22) School-age child is any child five (5) years of age or older who is in kindergarten or above.

[(27) School system is a program established primarily for education and which meets the following criteria:

(A) Provides education in at least the first through the sixth grade; and

(B) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student.]

[[28]](23) Staff/child ratio is the number of caregivers required in relation to the number of children in care.

[(29) Summer camp is a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five (5) years of age or older and providing no child care for children younger than five (5) years of age in the same building or in the same outdoor play area.]

[(30]/(24) Toddler is any child twelve to twenty-four (12-24) months of age.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo Supp. [2020] 2021. This rule previously filed as 13 CSR 40-61.010 and 19 CSR 40-61.010. Original rule filed in 1956. For intervening history, please consult the Code of State

Regulations. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 400—Licensing Rules for Family Child Care

Chapter 400—Licensing Rules for Family Child Care Homes

#### PROPOSED RESCISSION

**5 CSR 25-400.015 Exemption of Day Care Facilities.** This rule defined the basis for which a family day care home may qualify for exemption for licensure.

PURPOSE: This rule is being rescinded to delete the incorporated Application for License to Operate a Family Day Care Home form and consolidate sections (2) and (3) into 5 CSR 25-400.025 Organization and Administration. Section (1) is removed entirely because it is not relevant to facilities licensed under this chapter.

AUTHORITY: section 210.211.1(3), RSMo, Supp. 1993. This rule previously filed as 13 CSR 40-61.035 and 13 CSR 40-61.015. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Oct. 7, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood

Chapter 400—Licensing Rules for Family Child Care
Homes

#### PROPOSED AMENDMENT

5 CSR 25-400.025 Organization and Administration. The State

Board of Education is amending sections (1)-(4) and adding new sections (5)-(6).

PURPOSE: This amendment updates the term "family day care home" to "family child care home" and adds sections (5) and (6) from rescinded 5 CSR 25-400.015 Exemption of Day Care Facilities.

- (1) Each family [day] child care home shall be organized according to written policies and procedures which clearly establish job responsibilities and lines of administrative authority.
- (2) If a family [day] child care home is owned by a legal entity, the legal entity shall designate a person to be responsible for the daily operation of the facility and to meet the requirements of the child care provider. The department shall be notified in writing immediately if there is a change of the person designated to be responsible for the daily operation of the facility and to meet the requirements of the child care provider.
- (3) The person(s) or legal entity who owns a family [day] child care home shall be responsible for meeting all debts and obligations incurred by the facility and for maintaining compliance with all licensing rules for family [day] child care homes.
- (4) When the responsibility for the operation of a family [day] child care home rests with a board of directors, the department shall be notified in writing immediately if there is a change of the board president or chairperson.
- (5) When a nonreligious organization having as its principal purpose the provision of child care services enters into an arrangement with a religious organization to provide continuing assistance in the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization and does not qualify for exemption from licensure under section 210.211.1(17), RSMo.
- (6) If the person(s) operating the facility claims exemption from licensure, s/he shall file all information requested by the department to make a determination of exemption prior to opening. Facilities may waive the right to apply for exemption and request voluntary licensure. These facilities shall comply with all licensing rules.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo [2016] Supp. 2021. This rule previously filed as 13 CSR 40-61.060, 13 CSR 40-61.025, and 19 CSR 40-61.025. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 400—Licensing Rules for Family Child Care Homes

#### PROPOSED AMENDMENT

**5 CSR 25-400.045 Licensing Process**. The State Board of Education is amending sections (2), (5), (6), and (8)-(10).

PURPOSE: This amendment updates incorporated forms and references to rules contained within.

- (2) Upon receipt of a completed Application [F] for License [T] to Operate a Child Care Facility form, a licensing inspection shall be made. See Application [F] for License [T] to Operate a Child Care Facility form, [promulgated as of August 2020] revised 2021, incorporated by reference in this rule, as published by the Missouri Department of [Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at https://health.mo.gov/safety/childcare/forms.php.] Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendment or additions. If licensing rules are not met within six (6) months, the application shall be void and another application shall be filed.
- (5) Prior to the granting of a license, the provider shall meet the requirements of [19 CSR 30-61.086] 5 CSR 25-400.086 Fire Safety.
- (6) The child care provider and child care staff members, as defined by [19 CSR 30-63.010] 5 CSR 25-600.010 Definitions, shall have qualifying background screening results on file as required by [19 CSR 30-63.020] 5 CSR 25-600.020 General Requirements, prior to initial issuance of the license.
- (8) Medical examination reports for the provider and child care assistant(s), as required by [19 CSR 30-61.125] 5 CSR 25-400.125 Medical Examination Reports, shall be on file at the home and available for review.
- (9) Medical examination reports shall be on file at the home within thirty (30) days following the admission of each infant, toddler, or preschool child as required by [19 CSR 30-61.125] 5 CSR 25-400.125 Medical Examination Reports. A health report for schoolage children shall be on file as required by [19 CSR 30-61.125] 5 CSR 25-400.125.
- (10) Enrollment information for each child shall be on file at the home as required by [19 CSR 30-61.135] 5 CSR 25-400.135 Admission Policies and Procedures.

AUTHORITY: section[s] 161.092, RSMo 2016, and sections 210.221.1(3) and 210.1080, RSMo Supp. [2020] 2021. This rule previously filed as 13 CSR 40-61.020, 13 CSR 40-61.045, and 19 CSR 40-61.045. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 25—Office of Childhood Chapter 400—Licensing Rules for Family Child Care Homes

#### PROPOSED AMENDMENT

**5 CSR 25-400.055 Annual Requirements**. The State Board of Education is amending section (1).

PURPOSE: This amendment updates the incorporated Annual Declaration for Licensed Facility form.

- (1) The provider shall submit the following to the department on an annual basis, at least thirty (30) calendar days prior to the anniversary date as printed on the license:
- (A) An Annual Declaration for Licensed Facility form, [promulgated as of August 2020] revised 2021 and incorporated by reference in this rule[. A]as published by the Missouri Department of [Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at https://health.mo.gov/safety/childcare/forms.php] Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms, indicating the licensee's intent to continue operating a licensed family child care home and agreement to comply with all statutes and department licensing rules. This rule does not incorporate any subsequent amendments or additions to this publication;

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo Supp. [2020] 2021. This rule previously filed as 13 CSR 40-61.031, 13 CSR 40-61.055, and 19 CSR 40-61.055. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 400—Licensing Rules for Family Child Care Homes

#### PROPOSED AMENDMENT

**5 CSR 25-400.105 The Child Care Provider and Other Child Care Personnel**. The State Board of Education is amending (1), (4), and (5).

PURPOSE: This amendment updates internal references to rules and forms.

#### (1) General Requirements.

- (L) The department shall evaluate any information received that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children. In addition to those individuals automatically disqualified from presence at a child care facility by [19 CSR 30-63.040] 5 CSR 25-600.040 Background Screening Findings, the department may also prohibit the presence of any person on the premises of the family child care home during child care hours that has a criminal history that the department determines to be evidence that said person poses a threat to the safety and welfare of children.
- (M) The provider shall request the results of a criminal background check for child care staff members as required by [19 CSR 30-63.020] 5 CSR 25-600.020 General Requirements.
- (N) Child care staff members shall have qualifying background screening results on file as required by [19 CSR 30-63.020] 5 CSR 25-600.020 General Requirements.
- (O) Child care staff members with disqualifying background screening results as defined in [19 CSR 30-63.040] 5 CSR 25-600.040 Background Screening Findings, shall be prohibited from being present on the premises of the facility during child care hours.

#### (4) Child Care Training.

- (I) Clock hours earned to complete the previous year's requirements shall not be applied to the current year's clock hour requirements. Caregivers shall submit the Clock Hour Training [Credit] Reassignment form, [promulgated as of July 2018] revised 2020 and incorporated by reference in this rule, as published by the Missouri Department of [Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at https://health.mo.gov/safety/childcare/forms.php] Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms, to the OPEN Initiative to assign clock hours to the appropriate year. This rule does not incorporate any subsequent amendments or additions to this publication.
- (5) Safe Sleep Training. Every three (3) years the provider and assistant(s) in a family child care home licensed to provide care for infants less than one (1) year of age shall successfully complete department-approved training regarding the American Academy of Pediatrics (AAP) safe sleep recommendations contained in the American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report SIDS and other sleep-related infant deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment, by Moon RY, which is incorporated by reference in this rule as published in PEDIATRICS Volume 138, No. 5, November 1, 2016 and available at http://pediatrics.aappublications.org/content/pediatrics/early/2016/10/20/peds.2016-2938.full.pdf. This rule does not incorporate any subsequent amendments or additions.
- (B) The provider and assistant(s) in a family child care home [licensed after the effective date of this rule] shall complete the

safe sleep training described in section (5) of this rule prior to licensure.

AUTHORITY: sections 210.221 and 210.1080, RSMo Supp. [2020] 2021, and sections 161.092 and 210.223, RSMo 2016. This rule previously filed as 13 CSR 40-61.090, 13 CSR 40-61.105, and 19 CSR 40-61.105. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 400—Licensing Rules for Family Child Care Homes

#### PROPOSED AMENDMENT

**5 CSR 25-400.115** [Day] Child Care Family and Household. The State Board of Education is amending the name of the rule and section (1).

PURPOSE: This amendment updates the term "day care" to "child care" in the rule title and within the rule.

(1) Relationships between members of the [day] child care household shall provide a positive environment for children. There shall be agreement among the adult members of the household for sharing their home with the [day] child care children.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo Supp. [1993] 2021. This rule previously filed as 13 CSR 40-61.100, 13 CSR 40-61.115 and 19 CSR 40-61.115. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 400—Licensing Rules for Family Child Care Homes

#### PROPOSED AMENDMENT

**5 CSR 25-400.125 Medical Examination Reports**. The State Board of Education is amending sections (1) and (2) and removing forms at the end of the rule.

PURPOSE: This amendment replaces the term "day care" with "child care," removes incorporated forms and replaces them with updated forms that are incorporated by reference, and updates references to Missouri Department of Health and Senior Services.

#### (1) [Day] Child Care Provider and Assistants.

- (E) Medical examination reports shall include either a ["Risk Assessment for Tuberculosis" form, included herein, completed and signed by a health care professional, as provided by the Missouri Department of Health and Senior Services (MDHSS).] Tuberculosis (TB) Risk Assessment form, completed and signed by a health care professional, or a negative tuberculin skin test (TST) completed not more than twelve (12) months before beginning work in the facility. The Tuberculosis (TB) Risk Assessment form, revised March 2014, is incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102 and available by the Missouri Department of Health and Senior Services at https://health.mo.gov/living/healthcondiseases/communicable/tuberculosis/tbmanual/pdf/RiskAssessment form.pdf. This rule does not incorporate any subsequent amendments or additions to this publication. If the person has signs or symptoms of tuberculosis, or risk factors for tuberculosis, then testing for tuberculosis shall occur.
- 1. If the person has no documented history of ever receiving a tuberculin skin test (TST), and elects to receive a TST, then a two-(2-)[-] step TST is required. A history of bacilli Calmette-Guerin vaccination (BCG) shall not exempt a person from receiving a tuberculin test.
- 2. Persons that have a newly positive tuberculin test(s) shall not be allowed to work until a medical evaluation is performed to determine if the person has active contagious tuberculosis.
- 3. Persons with active contagious tuberculosis shall be excluded from employment until deemed non-infectious by [MDHSS] the Missouri Department of Health and Senior Services or the local public health agency. The person may return to work once the above criteria have been met, as long as the person adheres to his/her prescribed treatment regimen.
- 4. All positive tuberculin tests shall be reported to the Missouri Department of Health and Senior Services or local public health agency as required by 19 CSR 20-20.020.
- (F) Medical examination reports shall be signed by a licensed physician or registered nurse who is under the supervision of a licensed physician and completed not more than twelve (12) months prior to beginning work in the home. These reports may be transferable to another [day] child care facility for subsequent employment.
- (G) The medical examination report form shall be supplied by the department or the provider may use his/her own form if it contains all the information on the department's form. The *Medical Examination Report for Caregivers and Staff* form, revised 2021, is incorporated by reference in this rule, as published by the Missouri Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.

- (2) Children.
- (A) The provider shall require, within thirty (30) days following the admission of each infant, toddler, or preschool child, a medical examination report signed by a licensed physician or registered nurse who is under the supervision of licensed physician and completed not more than twelve (12) months prior to admission. The provider may use the department's medical assessment form or the provider may use its own form if it contains all the information on the department's form. The *Child Medical Examination Report* (Infant/Toddler/Pre-School), revised 2021, is incorporated by reference in this rule, as published by the Missouri Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.
- (B) Examination reports shall determine if a child's medical history and current state of health is satisfactory for participation in a *[day]* child care program.
- (E) The medical examination report form and the health history report for school-age children shall be supplied by the department or the provider may use his/her own form if it contains all the information on the department's form. The School-Age Child Health Report form, revised 2021, is incorporated by reference in this rule, as published by the Missouri Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221, RSMo [2000] Supp. 2021. This rule was previously filed as 13 CSR 40-61.110, 13 CSR 40-61.125, and 19 CSR 40-61.125. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 400—Licensing Rules for Family Child Care Homes

#### PROPOSED AMENDMENT

**5 CSR 25-400.145 Nighttime Care**. The State Board of Education is amending section (2).

PURPOSE: This amendment replaces the term "day care" with "child care."

(2) Family [day] child care homes licensed for nighttime care shall meet the requirements of the following additional rules:

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo Supp. [1993] 2021. This rule previously filed as 13 CSR 40-61.130, 13 CSR 40-61.145 and 19 CSR 40-61.145. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.145, effective Dec. 9, 1993. Changed to 19 CSR 30-61.145 July 30, 1998. Moved to 5 CSR 25-400.145, effective Aug. 30, 2021. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 400—Licensing Rules for Family Child Care Homes

#### PROPOSED AMENDMENT

**5 CSR 25-400.155 Overlap Care of Children**. The State Board of Education is amending section (3) and adding new sections (4) and (6), renumbering as necessary, and removing the included Overlap Request Form and replacing it with an incorporated by reference form.

PURPOSE: This amendment incorporates the **Overlap Request** form and specifies that overlap approval is not available to those facilities licensed exclusively for before- and after-school care.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

- (3) Overlap care shall not be provided until [an overlap request] a Child Care Facility Overlap Request form has been submitted, including the hours overlap care will be provided, and written approval has been received from the department. [Any changes in the hours of overlap care shall require that a new overlap request form be submitted and approved.] The Child Care Facility Overlap Request form, promulgated 2021, is incorporated by reference in this rule, as published by the Missouri Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.
- (4) Any changes in the hours of overlap care shall require a new overlap request form be submitted and approved.

[(4)](5) All procedures for admitting children shall be followed if a provider chooses to enroll children for overlap care.

(6) Overlap approval shall not be granted to facilities licensed exclusively for before- and after-school child care programs.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo Supp. [1993] 2021. This rule previously filed as 13 CSR 40-61.140, 13 CSR 40-61.155 and 19 CSR 40-61.155. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood

Chapter 400—Licensing Rules for Family Child Care
Homes

#### PROPOSED AMENDMENT

**5 CSR 25-400.210 Records and Reports.** The State Board of Education is amending sections (3), (9), and (12), removing section (8), and renumbering as necessary.

PURPOSE: This amendment replaced the term "day care" with "child care," updates internal references to rules, removes the requirement to maintain fire and disaster drills because it is duplicative of the Disaster and Emergency Preparedness rule, and adds the requirement to submit records to the department as required.

- (3) Health information shall be retained in each child's individual file and shall include:
- (A) A medical examination report for each infant, toddler, or preschool child or a health report for each school-age child as required by [19 CSR 30-61.125] 5 CSR 25-400.125 Medical Examination Reports:
- (C) Information concerning any accident or injury to the child while at the family [day] child care home or any emergency medical care; and
- [(8) The provider shall maintain a written record at the facility for fire, tornado, and other disaster drills as required by 19 CSR 30-61.086 Fire Safety.]
- [[9]](8) A copy of qualifying background screening results shall be kept on file for child care staff members, as required by [19 CSR 30-63.020] 5 CSR 25-600.020 General Requirements.
- [(10)](9) All records of children shall be confidential, protected from unauthorized examination, and available to parents upon request.

[(11)](10) All records shall be available in the home for inspection by the department upon request.

[(12)](11) [Reports to the department shall be submitted as required] Records and reports shall be submitted to the department as required.

AUTHORITY: section 161.092, RSMo 2016, and sections 210.221.1(3)[, RSMo 2016 section] and 210.1080, RSMo Supp. [2018] 2021. This rule previously filed as 13 CSR 40-61.180, 13 CSR 40-61.210, and 19 CSR 40-61.210. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 400—Licensing Rules for Family Child Care Homes

#### PROPOSED AMENDMENT

**5 CSR 25-400.220 Variance Request**. The State Board of Education is amending sections (1) and (2).

PURPOSE: This amendment updates terms and clarifies how providers may request a rule variance and review of a variance denial.

- (1) Any provider may request a variance from a rule. The request for a variance shall be [written to the Child Care Unit] submitted in writing to the department and shall include the [item(s)] rule(s) for which a variance is requested and the reason(s) the provider requests the variance. [Local inspectors may request a variance on behalf of the provider.] The department shall approve any variance request that does not endanger the health or safety of the children served by the facility.
- (2) If a variance request is not approved by the *[Child Care Unit]* department, the provider shall be advised in writing of the basis for the denial. The provider may request a review of the decision by the *[director]* commissioner within thirty (30) calendar days of receipt of notification of the denial. The *[director]* commissioner or designee shall have fifteen (15) business days to make the final determination on the variance request. That determination is subject to Chapter 536, RSMo, review for licensed facilities.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo Supp. [1993] 2021. This rule previously filed as 19 CSR 40-61.220. Emergency rule filed Aug. 27, 1993, effective

Sept. 5, 1993, expired Jan. 2, 1994. Emergency rule filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Original rule filed Aug. 27, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.220 July 30, 1998. Moved to 5 CSR 25-400.220, effective Aug. 30, 2021. Amended: Filed Oct. 7, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 500—Licensing Rules for Group Child Care Homes and Child Care Centers

#### PROPOSED AMENDMENT

**5 CSR 25-500.010 Definitions**. The State Board of Education is adding sections (3) and (8), removing sections (7), (9), (11), (15), (19), (21), (26), and (28), amending previously numbered sections (6), (8), and (18), and renumbering sections accordingly.

PURPOSE: This amendment updates the terms used throughout Chapter 500 by removing, modifying, or replacing outdated terms and removing those terms not relevant to licensed child care.

- (3) Child care or day care is care of a child away from his/her own home for any part of the twenty-four- (24-) hour day for compensation or otherwise. Child care or day care is a voluntary supplement to parental responsibility for the child's protection, development, and supervision.
- [(3)](4) A child care center or center, whether owned by a sole proprietor or other legal entity, is a child care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children for any part of the twenty-four- (24-) hour day.
- [(4)](5) A child care facility or facility is a family child care home, group child care home, or child care center.
- [(5)](6) Child care provider, group child care home provider, or provider is the person(s) licensed or required to be licensed under section 210.211, RSMo, in order to establish, conduct, or maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the division:
- (A) Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and
  - (B) Ultimate financial control of the operation of the facility.
- [(6)](7) A [C]child care staff member is a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who

are cared for or supervised by a child care provider; *[or]* individuals residing in a family child care home who are eighteen (18) years of age and older; or individuals residing in a family child care home who are under eighteen (18) years of age and have been certified as an adult for the commission of an offense.

- [(7) Day care or child care is care of a child away from his/her own home for any part of the twenty-four- (24-) hour day for compensation or otherwise. Day care or child care is a voluntary supplement to parental responsibility for the child's protection, development, and supervision. Day care or child care may be given in a family child care home, group child care home, or child care center.]
- (8) Commissioner is the Commissioner of Education for the Missouri Department of Elementary and Secondary Education.
- [(8)](9) Department is the Missouri Department of [Health and Senior Services] Elementary and Secondary Education.
- [(9) Director is the director of the Missouri Department of Health and Senior Services.]
- [(11) Graded boarding school is a public or private school which provides education in at least the first through the sixth grade and which provides lodging and meals for the pupils for the standard school term.]

[(12)](11) A group child care home, whether owned by a sole proprietor or other legal entity, is a child care program where care is given by a person licensed as a group child care home provider for not more than twenty (20) children for any part of the twenty-four-(24-) hour day. A group child care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one (1) group child care home or family child care home.

[[13]](12) Group size is the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well-defined physical space within a large room.

[(14)](13) Homeless children and youths—

- (A) Are individuals who lack a fixed, regular, and adequate night-time residence; and
  - (B) Include:
- 1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- 2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- 3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- 4. Migratory children who qualify as homeless because the children are living in the circumstances described above.
- [(15) An hourly care facility is a facility licensed exclusively for irregular, intermittent, hourly care.]
- [(16)](14) Infant is any child under twelve (12) months of age.
- [(17)](15) Legal entity is the lawful or legally standing individual,

corporation, sole proprietorship, general partnership, limited partnership, limited liability partnership, limited liability company, limited liability limited partnership, partnership, charity, and other forms of organization that has the legal capacity to enter into agreements, contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and that is accountable for illegal activities.

[[18]](16) Licensee is an individual or other legal entity who has been granted a child care license by the Department of [Health and Senior Services] Elementary and Secondary Education.

[(19) Montessori school is a child care program that subscribes to Maria Montessori's educational philosophy and is accredited by the American Montessori Society or the Association Montessori Internationale.]

[(20)](17) Night is the part of the twenty-four- (24-) hour day between 9:00 p.m. and 6:00 a.m.

[(21) Nursery school is a program operated by a person or organization with the primary function of providing an educational program for preschool-age children for no more than four (4) hours per child per day.]

[[22]](18) Premises is a house(s), dwelling(s), or building(s) and its adjoining land.

[(23)](19) Preschool child is any child two through five (2-5) years of age who is not in kindergarten.

[(24)](20) A religious organization is—

- (A) A church, synagogue, or mosque;
- (B) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the *Internal Revenue Code*; or
- (C) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

[[25]](21) School-age child is any child five (5) years of age or older who is in kindergarten or above.

[(26) School system is a program established primarily for education and which meets the following criteria:

(A) Provides education in at least the first through the sixth grade; and

(B) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student.]

[(27)](22) Staff/child ratio is the number of caregivers required in relation to the number of children in care.

[(28) Summer camp is a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five (5) years of age or older, and providing no child care for children younger than five (5) years of age in the same building or in the same outdoor play area.]

[(29)](23) Toddler is any child twelve to twenty-four (12–24) months of age.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo Supp. [2020] 2021. This rule previously filed as 13 CSR 40-62.010 and 19 CSR 40-62.010. Original rule filed in 1956. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500)

in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 500—Licensing Rules for Group Child Care Homes and Child Care Centers

#### PROPOSED RESCISSION

**5 CSR 25-500.022 Exemption of Day Care Facilities.** This rule defined the basis for which a group day care home or child day care center may qualify for exemption for licensure.

PURPOSE: This rule is being rescinded to consolidate sections (2) and (3) into 5 CSR 25-500.032 Organization and Administration. Section (1) is removed entirely because it is not relevant to facilities licensed under this chapter.

AUTHORITY: section 210.211.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.035, 13 CSR 40-62.022 and 19 CSR 40-62.022. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.022, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-62.022 July 30, 1998. Moved to 5 CSR 25-500.022, effective Aug. 30, 2021. Rescinded: Filed Oct. 12, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed recission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 500—Licensing Rules for Group Child Care Homes and Child Care Centers

#### PROPOSED AMENDMENT

5 CSR 25-500.032 Organization and Administration. The State

Board of Education is amending sections (1), (2), and (4), and adding new sections (5)-(6).

PURPOSE: This amendment updates the term "day care" to "child care" and adds sections (5) and (6) from rescinded 5 CSR 25-500.022(2) and (3) Exemption of Day Care Facilities.

- (1) Each *[day]* **child** care facility shall be organized according to written policies and procedures which clearly establish job responsibilities and lines of administrative authority.
- (2) If a group [day] child care home is owned by a legal entity, the legal entity shall designate a person to be responsible for the daily operation of the facility and to meet the requirements of the group [day] child care home provider. The department shall be notified in writing immediately if there is a change of the person designated to be responsible for the daily operation of the facility and to meet the requirements of the group [day] child care home provider.
- (4) The person(s) or legal entity who owns a [day] child care facility shall be responsible for meeting all debts and obligations incurred by the facility and for maintaining compliance with all licensing rules for group [day] child care homes and [day] child care centers.
- (5) When a nonreligious organization, having as its principal purpose the provision of child care services, enters into an arrangement with a well-known religious order to provide continuing assistance in the maintenance or operation of a child care facility, the facility is not under the exclusive control of the well-known religious order and does not qualify for exemption from licensure under section 210.211.1(17), RSMo.
- (6) If the person(s) operating the facility claims exemption from licensure, s/he shall file all information requested by the department to make a determination of exemption prior to opening. Facilities may waive the right to apply for exemption and request voluntary licensure. These facilities shall comply with all licensing rules.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo [2016] Supp. 2021. This rule previously filed as 13 CSR 40-62.061, 13 CSR 40-62.032, and 19 CSR 40-62.032. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 500—Licensing Rules for Group Child Care Homes and Child Care Centers

PROPOSED AMENDMENT

**5 CSR 25-500.042 Licensing Process**. The State Board of Education is amending sections (2) and (5)-(9).

PURPOSE: This amendment updates incorporated forms and references to rules contained within.

- (2) Upon receipt of a completed Application for License to Operate a Child Care Facility form, a licensing inspection shall be made. See Application for License to Operate a Child Care Facility form, [promulgated as of August 2020] revised 2021, and incorporated by reference in this rule[. A]as published by the Missouri Department of [Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at https://health.mo.gov/safety/childcare/forms.php] Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendment or additions. If licensing rules are not met within six (6) months, the application shall be void and another application shall be filed.
- (5) Prior to the granting of a license, the provider shall meet the requirements of [19 CSR 30-62.087] 5 CSR 25-500.087 Fire Safety.
- (6) Medical examination reports for all adults working in the facility, as required by [19 CSR 30-62.122] 5 CSR 25-500.122 Medical Examination Reports, shall be on file at the facility and available for review.
- (7) Medical examination reports shall be on file at the facility within thirty (30) days following the admission of each infant, toddler, or preschool child as required by [19 CSR 30-62.122] 5 CSR 25-500.122 Medical Examination Reports. A health report for school-age children shall be on file as required by [19 CSR 30-62.122] 5 CSR 25-500.122.
- (8) Enrollment information for each child shall be on file at the facility as required by [19 CSR 30-62.132] 5 CSR 25-500.132 Admission Policies and Procedures.
- (9) The child care provider and child care staff members, as defined by [19 CSR 30-63.010] 5 CSR 25-600.010 Definitions, shall have qualifying background screening results on file as required by [19 CSR 30-63.020] 5 CSR 25-600.020 General Requirements, prior to initial issuance of the license.

AUTHORITY: section[s] 161.092, RSMo 2016, and sections 210.221.1(3) and 210.1080, RSMo Supp. [2020] 2021. This rule previously filed as 13 CSR 40-62.021, 13 CSR 40-62.042, and 19 CSR 40-62.042. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 25—Office of Childhood Chapter 500—Licensing Rules for Group Child Care Homes and Child Care Centers

#### PROPOSED AMENDMENT

**5 CSR 25-500.052 Annual Requirements**. The State Board of Education is amending section (1).

PURPOSE: This amendment updates the incorporated Annual Declaration for Licensed Facility form.

- (1) The provider shall submit the following to the department on an annual basis, at least thirty (30) calendar days prior to the anniversary date as printed on the license:
- (A) An Annual Declaration for Licensed Facility form, [promulgated as of August 2020] revised 2021 and incorporated by reference in this rule[. A]as published by the Missouri Department of [Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at https://health.mo.gov/safety/childcare/forms.php] Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms, indicating the licensee's intent to continue operating a licensed group child care home or child care center and agreement to comply with all statutes and department licensing rules. This rule does not incorporate any subsequent amendments or additions;

AUTHORITY: section[s] 161.092, RSMo 2016, and sections 210.221.1(3) and 210.252.5, RSMo Supp. [2020] 2021. This rule previously filed as 13 CSR 40-62.031, 13 CSR 40-62.052, and 19 CSR 40-62.052. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 500—Licensing Rules for Group Child Care Homes and Child Care Centers

#### PROPOSED AMENDMENT

**5 CSR 25-500.102 Personnel**. The State Board of Education is amending sections (1)-(3).

PURPOSE: This amendment updates internal references to rules and

forms, removes duplicative language, and clarifies that an individual with a disqualifying background screening result shall be prohibited from being present on the premises of the child care facility.

#### (1) General Staff Requirements.

- (K) The child care provider shall ensure that within seven (7) days of employment or volunteering and before being left alone with children that caregivers receive a facility orientation. [The child care provider shall ensure that documentation verifying completion of the facility orientation is maintained and on file for review by the department for each caregiver.] The facility orientation shall include:
  - 1. A tour of the facility, indoors and outdoors; and
  - 2. A review of the following:
    - A. Licensing rules;
    - B. The facility's license and its limitations, if any;
- C. The facility's written child care practices, including procedures for medication administration, child illness, discipline, and guidance policies;
  - D. The daily schedule;
  - E. The assigned duties and responsibilities of staff;
- F. The names and ages of the children for whom the staff member will be responsible, including any special health, nutritional, or developmental needs;
  - G. The location of children's records;
  - H. The facility's safe sleep policy, if applicable;
- I. The facility's disaster emergency plan and the location of emergency information; and
- J. The mandated responsibility to report any suspected child abuse or neglect to the Children's Division at the toll-free number 1-800-392-3738 or online at https://apps.dss.mo.gov/OnlineCanReporting/default.aspx.
- (M) The provider shall request the results of a criminal background check for child care staff members as required by [19 CSR 30-63.020] 5 CSR 25-600.020 General Requirements.
- (N) Child care staff members shall have qualifying background screening results on file as required by [19 CSR 30-63.020] 5 CSR 25-600.020 General Requirements.
- (O) Child care staff members with disqualifying background screenings results as defined in [19 CSR 30-63.040] 5 CSR 25-600.040 Background Screening Findings, shall be prohibited from being present on the premises of the facility [during child care hours].
- (2) Center Director or Group Child Care Home Provider.
  - (A) General Requirements.
- 1. An approved certificated group child care home provider or center director shall be responsible for planning, monitoring, and managing the facility's daily program.
- A. A Center Director [or]/Group Child Care Home Provider Certification Request form shall be submitted to the department. See Center Director [or]/Group Child Care Home Provider Certification Request form, [promulgated as of August 2020] revised 2021, and incorporated by reference in this rule[. A]as published by the Missouri Department of [Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at https://health.mo.gov/safety/childcare/forms.php] Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.
- B. Once the center director or group child care home provider is certificated by the department, the *Center Director [or]/Group Child Care Home Provider Approval Request* form shall be submitted to the department and maintained on file at the facility. See *Center Director [or]/Group Child Care Home Provider Approval Request* form, [promulgated as of August 2020] revised 2021 and incorporated by

reference in this rule. A.Jas published by the Missouri Department of [Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at https://health.mo.gov/safety/childcare/forms.php] Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.

- 2. Center directors and group child care home providers routinely shall be on duty during the hours of highest attendance a minimum of forty (40) hours per week. If the facility operates less than forty (40) hours per week, the center director or group child care home provider shall be on duty at least fifty percent (50%) of the operating hours
- 3. The licensee is required to maintain an approved certificated group child care home provider or center director on staff.
- 4. The duties and responsibilities of the center director or group child care home provider shall be defined clearly in writing.
- 5. In the absence of the center director or group child care home provider, another responsible individual shall be designated to be in charge of the facility.
- 6. The center owner(s), or the board president or chairperson, shall notify the department immediately when there is a change of directors and shall have a qualifying criminal background check on file as required by [19 CSR 30-63.020] 5 CSR 25-600.020 General Requirements.

#### (3) Child Care Training.

(K) Clock hours earned to complete the previous year's requirements shall not be applied to the current year's clock hour requirements. Caregivers shall submit the Clock Hour Training [Credit] Reassignment form to the OPEN Initiative to assign clock hours to the appropriate year. See Clock Hour[s] Training [Credit] Reassignment form [promulgated as of 2018], revised 2021, and incorporated by reference in this rule/. A/as published by the Missouri Department of [Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at https://health.mo.gov/safety/childcare/forms.php] Elementary and Secondary Education, PO Box 480, Jefferson City, MO the 65102-0480 and available by department https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: [sections 210.221 and 210.1080, RSMo Supp. 2020, and] sections 161.092 and 210.223, RSMo 2016, and sections 210.221 and 210.1080, RSMo Supp. 2021. This rule previously filed as 13 CSR 40-62.091, 13 CSR 40-62.102, and 19 CSR 40-62.102. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 500—Licensing Rules for Group Child Care Homes and Child Care Centers

#### PROPOSED AMENDMENT

**5 CSR 25-500.122 Medical Examination Reports**. The State Board of Education is amending sections (1) and (2) and deleting the forms berein

PURPOSE: This amendment replaces the term "day care" with "child care," removes incorporated forms and replaces them with updated forms incorporated by reference, and updates references to the Missouri Department of Health and Senior Services.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

#### (1) Staff and Volunteers.

- (A) All persons working in a *[day]* **child** care facility in any capacity during child care hours, including volunteers counted in staff/child ratios, shall be in good physical and emotional health with no physical or mental conditions which would interfere with child care responsibilities. These persons shall have a medical examination report, signed by a licensed physician or registered nurse who is under the supervision of a licensed physician, on file at the facility at the time of initial licensure or within thirty (30) days following employment.
- (B) Medical examination reports shall include either a ["Risk Assessment for Tuberculosis" form, included herein, completed and signed by a health care professional, as provided by the Missouri Department of Health and Senior Services (MDHSS).] Tuberculosis (TB) Risk Assessment form, completed and signed by a health care professional, or a negative tuberculin skin test (TST) completed not more than twelve (12) months before beginning work in the facility. The Tuberculosis (TB) Risk Assessment form, revised March 2014, is incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102 and available by the Missouri Department of Health and Senior Services at https://health.mo.gov/living/healthcondiseases/communicable/tuberculosis/tbmanual/pdf/RiskAssessment form.pdf. This rule does not incorporate any subsequent amendments or additions. If the person has signs or symptoms of tuberculosis, or risk factors for tuberculosis, then testing for tuberculosis shall occur.
- 1. If the person has no documented history of ever receiving a tuberculin skin test (TST), and elects to receive a TST, then a two-(2-)[-] step TST is required. A history of bacilli Calmette-Guerin vaccination (BCG) shall not exempt a person from receiving a tuberculin test.
- 2. Persons that have a newly positive tuberculin test(s) shall not be allowed to work until a medical evaluation is performed to determine if the person has active contagious tuberculosis.
- 3. Persons with active contagious tuberculosis shall be excluded from employment until deemed non-infectious by [MDHSS] the Missouri Department of Health and Senior Services or the local public health agency. The person may return to work once the above criteria have been met, as long as the person adheres to his/her prescribed treatment regimen.

- 4. All positive tuberculin tests shall be reported to the Missouri Department of Health and Senior Services or local public health agency as required by 19 CSR 20-20.020.
- (C) Medical examination reports shall be completed not more than twelve (12) months prior to beginning work in the facility and may be transferable to another [day] child care facility for subsequent employment.
- (D) The medical examination report form shall be supplied by the department or the facility may use its own form if it contains all the information on the department's form. The *Medical Examination Report for Caregivers and Staff* form, revised 2021, is incorporated by reference in this rule, as published by the Missouri Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.

#### (2) Children.

- (A) The provider, within thirty (30) days following the admission of each infant, toddler, or preschool child, shall require a medical examination report signed by a licensed physician or registered nurse who is under the supervision of a licensed physician and completed not more than twelve (12) months prior to admission. The provider may use the department's medical assessment form or the provider may use its own form if it contains all the information on the department's form. The Child Medical Examination Report (Infant/Toddler/Pre-School) form, revised 2021, is incorporated by reference in this rule, as published by the Missouri Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.
- (B) The examination report shall determine if a child's medical history and current state of health is satisfactory **for** participation in a *[day]* **child** care program.
- (E) The medical examination report form and the health history report for school-age children shall be supplied by the department or the facility may use its own form if it contains all the information on the department's form. The School-Age Child Health Report form, revised 2021, is incorporated by reference in this rule, as published by the Missouri Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 and available by the department at https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221, RSMo [2000] Supp. 2021. This rule was previously filed as 13 CSR 40-62.110, 13 CSR 40-62.122, and 19 CSR 40-62.122. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 500—Licensing Rules for Group Child Care Homes and Child Care Centers

#### PROPOSED RESCISSION

**5 CSR 25-500.152 Hourly Care Facilities**. This rule set forth requirements for facilities providing irregular, intermittent, hourly care for children.

PURPOSE: This rule is being rescinded because it is outdated and no longer utilized.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.140, 13 CSR 40-62.152 and 19 CSR 40-62.152. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.152, effective Dec. 9, 1993. Changed to 19 CSR 30-62.152 July 30, 1998. Moved to 5 CSR 25-500.152, effective Aug. 30, 2021. Rescinded: Filed Oct. 12, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 25—Office of Childhood
Chapter 500—Licensing Rules for Group Child Care
Homes and Child Care Centers

#### PROPOSED AMENDMENT

**5 CSR 25-500.162 Overlap Care of Children**. The State Board of Education is amending sections (1), (2), and (6), adding new sections (3) and (7), removing section (5), and renumbering the rule accordingly.

PURPOSE: This amendment incorporates by reference the Overlap Request form and clarifies how overlap is calculated and when it may be utilized.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) There may be situations (for example, to accommodate parents' work shifts, before- and after-school care or before- and after-summer camp care) when the number of children in care may exceed the licensed capacity of the facility at the time of overlap. The number

in care shall never be more than one-third (1/3) over the licensed capacity of the facility **at the time of overlap**. The overlap period(s) shall not exceed two (2) hours total in any twenty-four- (24-)/-/ hour child-care day. The two (2) hours of available overlap time may be utilized in smaller time periods.

- (2) Overlap care shall not be provided until [an overlap request] a Child Care Facility Overlap Request form has been submitted/, including the hours overlap care will be provided and written approval has been received from the department. [Any changes in the hours of overlap care shall require that a new overlap request form be submitted and approved (see 19 CSR 40-61.155)/ The Child Care Facility Overlap Request form, promulgated 2021, is incorporated by reference in this rule, as published by the Missouri Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480 available and by the department https://dese.mo.gov/childhood/forms. This rule does not incorporate any subsequent amendments or additions.
- (3) Any changes in the hours of overlap care shall require a new overlap request form be submitted and approved.
- [(3)](4) All procedures for admitting children shall be followed if a provider chooses to enroll children for overlap care.
- [(4)](5) Staff/child ratios shall be maintained during overlap periods.
- [(5) When before- and after-summer camp care for children is provided, the provider shall require that the parent(s) sign a statement of consent for the child to be taken from the facility to the summer camp location.]
- (6) Overlap shall be granted to an infant/toddler unit or to a preschool/school-age unit based on the licensed capacity of each unit. Overlap for infant/toddler units shall be calculated separately from the overlap of preschool/school-age units, with the required staff/child ratios maintained for each group. A provider may not use the time period for one (1) unit to increase the overlap period for the other unit.
- (7) The overlap period(s) shall not exceed two (2) hours total daily for both infant/toddler and preschool/school-age children.

[(7)](8) Overlap approval shall not be granted to facilities licensed exclusively for before- and after-school child care programs.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo Supp. [1993] 2021. This rule previously filed as 13 CSR 40-62.150, 13 CSR 40-62.162, and 19 CSR 40-62.162. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

**Division 25—Office of Childhood** 

Chapter 500—Licensing Rules for Group Child Care Homes and Child Care Centers

#### PROPOSED AMENDMENT

**5 CSR 25-500.222 Records and Reports.** The State Board of Education is amending sections (3), (9), and (12), removing section (8), and renumbering the remainder of the rule accordingly.

PURPOSE: This amendment updates internal references to rules, removes the requirement to maintain fire and disaster drills because it is duplicative of 5 CSR 25-500.090 Disaster and Emergency Preparedness, and adds the requirement to submit records to the department as required.

- (3) Health information shall be retained in each child's individual file and shall include:
- (A) A medical examination report for each infant, toddler, or preschool child or a health report for each school-age child as required by [19 CSR 30-62.122] 5 CSR 25-500.122 Medical Examination Reports;
- [(8) The provider shall maintain a written record at the facility for fire and disaster drills.]
- [(9)](8) A copy of qualifying background screening results shall be kept on file for child care staff members, as required by [19 CSR 30-63.020] 5 CSR 25-600.020 General Requirements.
- [(10)](9) All records of children shall be confidential, protected from unauthorized examination, and available to the parent(s) upon request.
- [(11)](10) All records shall be available in the facility for inspection by the department upon request.

[(12)](11) [Reports to the department shall be submitted as required.] Records and reports shall be submitted to the department as required.

AUTHORITY: section 161.092, RSMo 2016, and sections 210.221.1(3)[, RSMo 2016,] and [section] 210.1080, RSMo Supp. [2018] 2021. This rule previously filed as 13 CSR 40-62.190, 13 CSR 40-62.222, and 19 CSR 40-62.222. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 25—Office of Childhood Chapter 500—Licensing Rules for Group Child Care Homes and Child Care Centers

#### PROPOSED AMENDMENT

**5 CSR 25-500.230 Variance Request**. The State Board of Education is amending sections (1) and (2).

PURPOSE: This amendment updates terms and clarifies how providers may request a rule variance and review of a variance denial.

- (1) Any provider may request a variance from a rule. The request for a variance shall be [written to the Child Care Unit] submitted in writing to the department and shall include the [item(s)] rule(s) for which a variance is requested and the reason(s) the provider requests the variance. [Local inspectors may request a variance on behalf of the provider.] The department shall approve any variance request that does not endanger the health or safety of the children served by the facility.
- (2) If a variance request is not approved by the [Child Care Unit] department, the provider shall be advised in writing of the basis for the denial. The provider may request a review of the decision by the [director] commissioner within thirty (30) calendar days of receipt of notification of the denial. The [director] commissioner or designee shall have fifteen (15) business days to make the final determination on the variance request. That determination is subject to Chapter 536, RSMo, review for licensed facilities.

AUTHORITY: section 161.092, RSMo 2016, and section 210.221.1(3), RSMo Supp. [1993] 2021. This rule previously filed as 19 CSR 40-62.230. Emergency rule filed Aug. 27, 1993, effective Sept. 5, 1993, expired Jan. 2, 1994. Emergency rule filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Original rule filed Aug. 27, 1993, effective April 9, 1994. Changed to 19 CSR 30-62.230 July 30, 1998. Moved to 5 CSR 25-500.230, effective Aug. 30, 2021. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 600—Child Care Comprehensive Background Screening

#### PROPOSED AMENDMENT

5 CSR 25-600.010 Definitions. The State Board of Education is

amending sections (1) and (5), adding a new section (3), removing previous section (4), and renumbering sections accordingly.

PURPOSE: This amendment expands the definition of child care provider to include registered child care providers, replaces the Department of Health and Senior Services with the Department of Elementary and Secondary Education, and replaces the term "Director" with "Commissioner."

- (1) Child care provider is a person licensed, [or] regulated, or registered to provide child care within the state of Missouri, including the member(s), manager(s), shareholder(s), director(s), and officer(s) of any entity licensed, [or] regulated, or registered to provide child care within the state of Missouri.
- (3) Commissioner is the Commissioner of Education for the Missouri Department of Elementary and Secondary Education.

[(3)](4) Criminal background check includes the following:

- (A) A Federal Bureau of Investigation fingerprint check;
- (B) A search of the National Crime Information Center's National Sex Offender Registry; and
- (C) A search of the following registries, repositories, including the Family Care Safety Registry, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five (5) years:
- 1. The state criminal registry or repository, with the use of fingerprints being required in the state where the staff member resides and optional in other states;
  - 2. The state sex offender registry or repository; and
- 3. The state-based child abuse and neglect registry and database.
- [(4) Director is the director of the Missouri Department of Health and Senior Services.]
- (5) Department is the Missouri Department of [Health and Senior Services] Elementary and Secondary Education.

AUTHORITY: section 161.092, RSMo 2016, and section 210.1080, RSMo Supp. [2020] 2021. This rule originally filed as 19 CSR 30-63.010. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021. Amended: Filed Aug. 31, 2020, effective Feb. 28, 2021. Moved to 5 CSR 25-600.010, effective Aug. 30, 2021. Amended: Filed Oct. 8, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 600—Child Care Comprehensive Background Screening

#### PROPOSED AMENDMENT

**5 CSR 25-600.020 General Requirements**. The State Board of Education is amending section (1).

PURPOSE: This amendment replaces the phrase "family child care home, group child care home, child care center, or license-exempt" with "licensed, regulated, or registered child care," expanding the provisions of this rule to registered child care facilities.

(1) Prior to the employment or presence of a child care staff member in a [family child care home, group child care home, child care center, or license-exempt] licensed, regulated, or registered child care facility not exempted by section 210.1080.13, RSMo, the child care provider shall request the results of a criminal background check for such child care staff member from the department.

AUTHORITY: section 161.092, RSMo 2016, and section 210.1080, RSMo Supp. [2020] 2021. This rule originally filed as 19 CSR 30-63.020. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021. Amended: Filed Aug. 31, 2020, effective Feb. 28, 2021. Moved to 5 CSR 25-600.020, effective Aug. 30, 2021. Amended: Filed Oct. 8, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 600—Child Care Comprehensive Background Screening

#### PROPOSED AMENDMENT

**5 CSR 25-600.040 Background Screening Findings**. The State Board of Education is amending sections (1) and (2).

PURPOSE: This amendment replaces the phrase "family child care home, group child care home, child care center, or license-exempt" with "licensed, regulated, or registered child care," expanding the provisions of this rule to registered child care facilities. This amendment also specifies that the ineligibility to maintain a presence at family child care homes is only during child care hours and includes minors certified as adults in the commission of an offense, consistent with section 210.1080.5, RSMo.

- (1) Any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a *[family child care home, group child care home, child care center, or license-exempt]* licensed, regulated, or registered child care facility not exempted by section 210.1080.13, RSMo, if such person—
- (2) Adult household members eighteen (18) years of age and older, or household members who are under eighteen (18) years of age but have been certified as an adult for the commission of an offense, in a family child care home shall be ineligible to maintain a presence at a family child care home during child care hours if any one (1) or more of the provisions of section (1) of this rule applies to them.

AUTHORITY: section 161.092, RSMo 2016, and section 210.1080, RSMo Supp. [2020] 2021. This rule originally filed as 19 CSR 30-63.040. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021. Amended: Filed Aug. 31, 2020, effective Feb. 28, 2021. Moved to 5 CSR 25-600.040, effective Aug. 30, 2021. Amended: Filed Oct. 8, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 25—Office of Childhood Chapter 600—Child Care Comprehensive Background Screening

#### PROPOSED AMENDMENT

5 CSR 25-600.050 Process for Appeal Required in Section 210.1080, RSMo. The State Board of Education is amending section (1).

PURPOSE: This amendment expands the provisions of this rule to staff members of regulated and registered child care facilities appealing their ineligibility determinations.

(1) The prospective child care staff member or child care staff member of a licensed, **regulated**, **or registered child care** facility may appeal a finding of ineligibility for employment or presence at a child care facility in writing to the department as allowed by section 210.1080.9, RSMo.

AUTHORITY: section 161.092, RSMo 2016, and section 210.1080, RSMo Supp. [2020] 2021. This rule originally filed as 19 CSR 30-63.050. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021. Amended: Filed Aug. 31, 2020, effective Feb. 28, 2021. Moved to 5 CSR 25-600.050, effective

Aug. 30, 2021. Amended: Filed Oct. 8, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, Department of Elementary and Secondary Education, Office of Childhood, PO Box 480, Jefferson City, MO 65102, by faxing 573-526-8000, or via e-mail at childhoodrules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 2—Income Tax

#### PROPOSED AMENDMENT

12 CSR 10-2.067 Failure to Pay Estimated Tax for Tax Years Ending After December 31, [1983] 1989. The director is amending the title, the purpose statement, and sections (1)-(15).

PURPOSE: This rule is being amended to remove or change unnecessary, outdated, or incorrect language and citations, to account for statutory and other legal changes since the original filing of the rule, to make the language of section (7) of this rule more lenient, and to promote clarity.

PURPOSE: This rule clarifies the requirement for filing declaration of estimated income tax by individuals and corporations [and], the determination of the amount of the installments required to be paid by the appropriate due dates, and the additions to tax imposed for the underpayment of estimated tax.

[(1) Authority for Rule. This rule is being issued under the general regulatory powers granted to the director of revenue in section 143.961, RSMo which became effective on January 1, 1973.]

[(2)](1) Applicability and Scope of Rule. This rule is applicable only with respect to taxable years ending after December 31, [1983] 1989, and is intended as an interpretive guideline in the application of Chapter 143, RSMo.

[(3)](2) Definitions. As used in this rule—

- (A) The term "director" shall mean the director of revenue or his/her duly authorized agent or designee;
- (B) The term "farmer" shall mean an individual [having an estimated Missouri adjusted gross income (MAGI) from farming for the taxable year which is at least two-thirds (2/3) of his/her total estimated MAGI taxable in this state for the taxable year] described in section 143.531.2, RSMo. The term does not include [a fisherman or] a corporation and income from catching, taking, harvesting, cultivating, or farming any aquatic forms of animal and vegetable life (other than oyster farming) does not constitute gross income from farming; and
- [(C) The term large corporation shall mean that the corporation (or any predecessor corporation) in any of the three (3) preceding taxable years had a federal taxable income of at least one (1) million dollars and had a Missouri taxable income of one hundred thousand dollars (\$100,000); and]

[(D)](C) The term "other corporation" shall mean any corporation not defined [in subsection (3)(C)] as a "large corporation" in section 143.761, RSMo.

[(4)](3) General Rule. Section 143.761[.1], RSMo, imposes an addition to tax in the case of any underpayment of estimated tax by an individual or a corporation (with certain exceptions described in section 143.761.4., RSMo). This addition to tax is in addition to any applicable civil or criminal penalties [and] (including, but not limited to, an addition to tax or penalty under section 143.751, RSMo). If the amount of Missouri estimated tax is reasonably expected to be at least the amount that requires a declaration of estimated tax under section 143.521, RSMo, then the addition to tax under section 143.761, RSMo, is imposed without regard to [whether or not extenuating circumstances disclosed a] any reasonable cause or lack of willful neglect for the underpayment. There [are] is no provision for the payment of interest with respect to any underpayment of estimated tax.

[(5)](4) Amount [and Period] of Underpayment. The amount of the underpayment for any installment date is the excess of—

- (A) Ninety percent (90%) in the case of corporations[, eighty percent (80%) in the case of] or individuals[,] (sixty-six and two-thirds percent (66 2/3%) in the case of a farmer) of the tax shown on the return for the taxable year, or if no return was filed, ninety percent (90%) in the case of corporations[, eighty percent (80%) in the case of] or individuals[,] (sixty-six and two-thirds percent (66 2/3%) in the case of a farmer) of the tax for the year, divided by the number of installment dates prescribed for the taxable year, over: and
- (B) The amount, if any, of the installment paid on or before the last day prescribed for its payment.
- [(6)](5) The amount of the addition is determined [at] by the application of the rate set forth in section [(8) of this rule upon] 32.065, RSMo, to the amount of underpayment of any installment of estimated tax for the [year from] period beginning with the date the installment [is] was required to be paid until the earliest of the following:
- (A) The fifteenth day of the fourth month following [tax] the close of the taxable year; or
- (B) With respect to any portion of the underpayment, the date on which such portion is paid[, whichever is earlier].

For the purpose of determining the period of underpayment, the date prescribed for the payment of any installment of estimated tax shall be determined without regard to any extension of time; and a payment of estimated tax on any installment date, to the extent that it exceeds the amount of the installment determined under subsection [(5)](4)(A) of this rule for the installment date, shall be considered a payment of any previous underpayment.

[(7)](6) In determining the amount of the installment paid on or before the last day prescribed for payment of the installment, the estimated tax shall be computed without any reduction for the amount which the taxpayer estimates as his/her credit for taxes withheld at the source on wages, and the amount of that credit shall be deemed a payment of estimated tax. An equal part of the amount of the credit shall be considered paid on each installment date for the taxable year unless the taxpayer establishes the dates on which all amounts were actually withheld. In the latter case, all amounts withheld shall be considered as payments of estimated tax on the dates the amounts were actually withheld.

[(8) Beginning January 1, 1983 the rate of additions to tax is the same as established by the director of revenue under authority of section 32.065, RSMo and 12 CSR 10-41.010 Annual Adjusted Rate of Interest.]

[(9)](7) Statement Relating to Underpayment. If there has been an underpayment of estimated tax as of any installment date prescribed for its payment and the taxpayer believes that one (1) or more of the exceptions described in section 143.761.4[.], RSMo, precludes the imposition of the addition to the tax, the appropriate Missouri form should be attached to the income tax return for the taxable year showing the applicability of an exception. [Any error in computation] Failure to show the applicability of [the estimate] an exception will result in the imposition of the additions to tax on the total amount of the underpayment of the installment and not on the amount by which the taxpayer fails to come within one (1) of the five (5) exceptions.

[(10)](8) Exceptions to Imposition of Additions to Tax. Exceptions shown in subsections [(10)](8)(A)-(D) apply to individuals. Exceptions shown in subsections [(10)](8)(A)-(E) apply to all corporations except large corporations as defined in [subsection (3)(C) of this rule.] section 143.761, RSMo. Only the exceptions shown in subsections [(10)](8)(B), (C), and (E) apply to large corporations. The addition to the tax under section 143.761, RSMo, will not be imposed for any underpayment of any installment of estimated tax, if, on or before the date prescribed for payment of the installment, the total amount of all payments of estimated tax equals or exceeds the least of the following amounts[:].

- (A) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were the tax shown on the return for the preceding taxable year, **provided** that the **preceding taxable year** was a year of twelve (12) months and a return showing a liability for tax was filed for that year[;].
- (B) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to ninety percent (90%) in the case of other corporations l, eighty percent (80%) in the case of l or individuals l, (sixty-six and two-thirds percent (66 l/3%) in the case of a farmer) of the tax computed by placing on an annualized basis the taxable income for the calendar months in the taxable year preceding that date. The taxable income shall be placed on an annualized basis l/by l as follows.
- 1. [Multiplying] Multiply by twelve (12) (or the number of months in the taxable year if less than twelve (12)) the taxable income (computed without the standard deduction and without the deduction for personal and dependency exemptions, if any) or the AGI if the standard deduction is to be used for the calendar months[;].
- 2. [Dividing] Divide the resulting amount by the number of those calendar months[;].
- 3. [Deducting] Deduct from that amount the standard deduction, if applicable, the deductions for personal and dependency exemptions, if any, determined as of the date prescribed for payment, and the deduction for federal income tax liability[; and].
- 4. [Multiplying] Multiply, in the case of an other corporation [other than a large corporate taxpayer], the amount determined in paragraph [(10)](8)(B)3. of this rule by the applicable apportionment percentage determined [under section 143.451 or 32.300, RSMo] as of the last day of the month preceding the date prescribed for payment[:]. For tax years beginning on or after January 1, 2020, the applicable apportionment percentage is determined under section 143.455, RSMo. For tax years beginning before January 1, 2020, the applicable apportionment percentage is determined under either section 143.451 or 32.200, RSMo.
- (C) An amount equal to ninety percent (90%) of the tax computed, at the rate applicable to the taxable year, on the basis of the actual taxable income for the calendar months in the taxable year preceding the date prescribed for payment[;].
- (D) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to a tax determined on the basis of the tax rates and

- the taxpayer's status with respect to personal and dependency exemptions, **if any**, for the taxable year, but otherwise on the basis of the facts shown on the return for the preceding taxable year and the law applicable to that year, in case of a taxpayer required to file a return for the preceding taxable year[;].
- (E) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to ninety percent (90%) of the tax computed by placing on an annualized basis the taxable income for the calendar months in the taxable year preceding that date. The taxable income shall be placed on an annualized basis [by-] as follows.
- 1. [Multiplying] Multiply by twelve (12) the taxable income[;] for the "applicable period" identified in paragraph (8)(E)3. below.
- 2. [Dividing] Divide the resulting amount by the whole number of months [in the taxable year] within the "applicable period" used in paragraph (8)(E)1. above (that is, 3, 5, 6, 8, 9 or 11[]], as the case may be)[; and].
- 3. [Using] Determine the [calculations] "applicable period" for use in paragraphs [(10)](8)(E)1. and 2. as follows[:].
- A. [For t]The first three (3) months of the taxable year, in the case of an installment required to be paid in the fourth month[:].
- B. [For t]The first three (3) months or [for] the first five (5) months of the taxable year, in the case of an installment required to be paid in the sixth month[;].
- C. [For t]The first six (6) months or [for] the first eight (8) months of the taxable year, in the case of an installment required to be paid in the ninth month[; and].
- D. [For t]The first nine (9) months or [for] the first eleven (11) months of the taxable year, in the case of the installment required to be paid in the twelfth month[;].
- [(F) For example, illustrating the application of the provisions for imposition of addition to tax for any underpayment of estimated tax in the case of an individual, see the examples set out in 12 CSR 10-2.065(10); and]
- (F) Example: An individual filed an income tax return for his/her taxable year 2022, which showed an income tax of four thousand dollars (\$4,000). The individual always files on a calendar year basis. The individual pays installments of estimated tax of one thousand dollars (\$1,000) each on April 15, June 15, and September 15 of 2023, and on January 15 of 2024. The individual files an income tax return for his/her taxable year 2023 on April 15, 2024, and the return shows an income tax of thirteen thousand dollars (\$13,000). The individual is not liable for an addition to tax for the failure to pay estimated tax, as the individual has timely paid installments of estimated tax in amounts that meet the exception in subsection (8)(A) of this rule.
- (G) [Taxpayer,] Example: [a]A farmer files an income tax return on February 15 of the succeeding year paying his/her total tax liability of five thousand dollars (\$5,000) on that date. In this case, there is no underpayment of estimated tax since the filing of the return and full payment of the tax on or before [February 28] March 1 of the succeeding year is considered as the [taxpayer's] farmer's declaration of estimated tax which was required to be filed by January 15 of the succeeding taxable year [under section] pursuant to section 143.521.6[.], RSMo. In the event that the [taxpayer] farmer in this example had filed his/her declaration of estimated tax on or before January 15 of the succeeding year, s/he would have only been required to pay sixty-six and two-thirds percent (66 2/3%) of his/her total tax liability for the year on that date.
- (H) Example: An individual (other than a farmer) files an income tax return on February 15 of the succeeding year paying his/her total tax liability of five thousand dollars (\$5,000) on that date. In this case, there is an underpayment of estimated tax. The individual has not paid any installments of estimated tax. Unless the individual meets one (1) of the exceptions in subsections (8)(A)-(D) of this rule, an addition to tax for failure to pay estimated tax will be imposed.

(A) Missouri taxable

[(11)](9) Example: The following example illustrates the application of the [new] exception in subsection (8)(E) of this rule to the imposition of the addition to tax for an underpayment of estimated tax for a calendar year [large] corporation[:]. Assume that a corporation has eighty thousand dollars (\$80,000) of Missouri taxable income from January through June, and one hundred thousand dollars (\$100,000) of Missouri taxable income from January through August. Further assume that the corporate income tax rate is four percent (4%), and that the first two (2) installments for the year already meet the exception in subsection (8)(E) of this rule. The third installment payment must be at least four thousand fifty dollars (\$4,050) for it to meet the exception in subsection (8)(E) of this rule, calculated as follows:

The lesser of:

\$80,000 x 12 = \$960,000 \$960,000 divided by 6 = \$160,000 \$160,000 x 4% = \$6,400 \$6,400 x 90% = \$5,760 \$5,760 x 75% = \$4,320

or

\$100,000 x 12 = \$1,200,000 \$1,200,000 divided by 8 = \$150,000 \$150,000 x 4% = \$6,000 \$6,000 x 90% = \$5,400 \$5,400 x 75% = \$4,050.

[(A) The Y Corporation is a large corporation meeting all requirements in subsection (3)(C). Assume in the first three (3) months of the taxable year its federal taxable income from all sources was two (2) million dollars and that it had no positive or negative modifications for the period under sections 143.121 and 143.141, RSMo. Further assume that its apportionment factor for the period is fifty percent (50%). The following procedure would be followed in determining whether the exception in subsection (10)(E) of this rule would apply to its required first installment payment due in the fourth month:

1. Net income all sources	
January through March	\$ 2,000,000;
2. Annualized income—	
line 1. X 12/3	\$ 8,000,000;
3. Less estimated	
federal tax	<i>\$ 3,659,750;</i>
4. Annualized Missouri	
taxable income	
all sources	\$ <i>4,340,250;</i>
5. Annualized Missouri	
taxable income at 50%	<i>\$ 2,170,125;</i>

and

6. Estimated Missouri tax at 100% \$108,506.25.

If the large corporation estimated tax payments paid on or before the date due for the first installment is at least \$24,413.82 (\$108,506.25 X 90% X 1/4) no addition to tax would be imposed with respect to the first installment.]

[(12)](10) Statutory Changes Require Amended Installment. Taxpayers required to make a declaration of estimated tax shall make a recalculation of the installment due when there is a change in statute which affects the estimated liability and installments for their taxable period. Example: Assume Z Corporation had a state income tax estimated tax for [their] its fiscal year beginning July 1, 1983, and ending June 30, 1984, based upon a Missouri taxable income of two million dollars (\$2,000,000) with a tax of one hundred thousand dollars (\$100,000) at the five percent (5%) tax rate then in effect. To avoid additions to tax, the former exception provided in section 143.761.4(2), RSMo, of eighty percent (80%) was used. Effective January 1, 1984, House Bill No. 10, First Extraordinary Session, 82nd General Assembly, increased the eighty percent (80%)

to ninety percent (90%) for corporations. The taxpayer had paid two (2) installments of **twenty thousand dollars** (\$20,000) a each prior to the change in statute. The calculation to determine the amount of the third and fourth installment would be as follows:

income	\$2,000,000;
(B) Missouri tax	
(historical 5% rate)	\$100,000;
(C) Estimated tax after change of	
statute 90% X \$100,000	\$90,000;
(D) Amount required to be paid through	
3 installments ( $$90,000 \div 4 \times 3$ )	\$67,500;
(E) Amount paid first 2	
installments (\$20,000 X 2)	\$40,000;
(F) Amount of 3rd installment	
(line (D) minus (E))	\$27,500;
and	
(G) Amount of 4th installment	<b>#22 5</b> 00
(line (C) X 1/4)	\$22,500.

If the corporation's estimated tax payment equals ninety percent (90%) of the amount due for the three (3) installments no additions to tax would be imposed with respect to the third installment. This same calculation method would apply to a calendar year situation when the statute was changed and applied during their taxable period.

[(13)](11) Determination of Taxable Income for Installment Periods. In determining the applicability of the exceptions in section 143.761.4(2) or (3), RSMo, there must be an accurate determination of the amount of income and deductions for the calendar months in the taxable year preceding the installment date as of which the determination is made. For example, if a taxpayer distributes year-end bonuses to its employees but does not determine the amount of the bonuses until the next to the last month of the taxable year, it may not deduct any portion of the year-end bonuses in determining the taxable income for any installment period other than the final installment period for the taxable year. If a taxpayer on an accrual method of accounting wishes to use either of the exceptions in section 143.761.4(2) or (3), RSMo, s/he must establish the amount of income and deductions for each applicable installment period. If income is derived from business in which the production, purchase, or sale of merchandise is an income-producing factor requiring the use of inventories, the taxpayer will be unable to determine accurately the amount of the taxable income for the applicable period unless there can be established, with reasonable accuracy, the cost of goods sold for the applicable installment period. [The] Unless a more exact determination is available, the cost of goods sold for the period shall be [considered, unless a more exact determination is available, as that part] determined based on the same proportion of the cost of goods sold during the entire taxable year as the ratio of gross receipts from the sales for the installment period [is] to the gross receipts from the sale for the entire taxable year.

[(14)](12) Members of Partnerships. In determining a partner's taxable income for the months in his/her taxable year which precede the month in which the installment date occurs, each partner shall take into account all items for any partnership taxable year ending with or within this taxable year to the extent that those items are attributable to months in the partnership taxable year which preceded the month in which the installment date occurs together with any guaranteed payments from the partnership to the extent that the guaranteed payments are includable in his/her taxable income for those months. The provisions of this section may be illustrated by the following examples[:].

(A) A, who is an individual calendar year taxpayer, is a member of a partnership whose taxable year ends on January 31. A must take into account, in the determination of his/her taxable income for the

installment due on April 15, 1984, all of his/her distributive share of partnership items and the amount of any guaranteed payments made to him/her which were deductible by the partnership in the partnership taxable year beginning on February 1, 1983, and ending on January 31, 1984[; and].

(B) Assume that the taxable year of the partnership of which A, a calendar year taxpayer, is a member ends on June 30. A must take into account, in the determination of his/her taxable income for the installment due on April 15, 1984, his/her distributive share of partnership items for the period July 1, 1983, through March 31, 1984; and for the installment due on June 15, 1984, s/he must take into account the amounts for the period July 1, 1983, through May 31, 1984; and for the installment due on September 15, 1984, s/he must take into account the amounts for the entire partnership taxable year of July 1, 1983, through June 30, 1984 (the date on which the partnership taxable year ends).

[(15)](13) Beneficiaries of Estates and Trusts. In determining the applicability of the exceptions in subsections [(10)(A)](8)(B) and f(B)/(C) of this rule as of any installment date, the beneficiary of an estate or trust must take into account his/her distributable share of income from the estate or trust for the applicable period (whether or not actually distributed) if the trust or estate is required to distribute income to him/her currently. If the estate or trust is not required to distribute income currently, only the amounts actually distributed to the beneficiary during the period must be taken into account. If the taxable year of the beneficiary and the taxable year of the estate or trust are different, there shall be taken into account the beneficiary's distributable share of income, or the amount actually distributed to him/her, as the case may be, during the months in the taxable year of the estate or trust ending within the taxable year of the beneficiary which precedes the month in which the installment date occurs. This rule is similar to the rule that applies for a member of a partnership when a partner and a partnership of which s/he is a member have different taxable years.

AUTHORITY: section 143.961, RSMo [1986] 2016. Original rule filed Dec. 30, 1983, effective April 12, 1984. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Administration Division, 301 W High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 2—Income Tax

#### PROPOSED RESCISSION

**12** CSR **10-2.085** Credit for New or Expanded Business Facility. This rule clarified and carried out the provisions of the credit for a new or expanded business facility as provided in sections 135.100–135.160, RSMo.

PURPOSE: Legislative changes to the program have made the rule

invalid and, therefore, this rule is being rescinded.

AUTHORITY: section 135.150, RSMo 1986. Original rule filed Jan. 15, 1985, effective June 13, 1985. Rescinded: Filed Oct. 12, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Administration Division, 301 W High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 2—Income Tax

#### PROPOSED RESCISSION

12 CSR 10-2.230 Construction Contractors. This rule set forth the uniform provisions concerning multistate allocation and apportionment of income from construction contractors which were adopted by the Multistate Tax Commission.

PURPOSE: The three-factor apportionment method is no longer allowed per statute, and therefore, this rule is being rescinded.

AUTHORITY: sections 32.200 (Article VII) and 143.961, RSMo 1994. Original rule filed Dec. 17, 1990, effective April 29, 1991. Rescinded: Filed Oct. 12, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Administration Division, 301 W High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 41—General Tax Provisions

#### PROPOSED AMENDMENT

**12 CSR 10-41.010 Annual Adjusted Rate of Interest**. The Director of Revenue proposes to amend section (1) to reflect the interest to be charged on unpaid, delinquent taxes.

PURPOSE: This proposed amendment establishes the annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2022.

(1) Pursuant to section 32.065, RSMo, the Director of Revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%
2010	3%
2011	3%
2012	3%
2013	3%
2014	3%
2015	3%
2016	3%
2017	4%
2018	4%
2019	5%
2020	5%
2021	3%
2022	3%

AUTHORITY: section 32.065, RSMo 2016. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. II, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 19, 2021, effective Jan. 1, 2022, expires June 29, 2022. Amended: Filed Oct. 15, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legislative Office, 301 W High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## FISCAL NOTE PUBLIC COST

#### I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Proposed Amendment

#### II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
	This proposed amendment will not cost
Counties	state agencies or political subdivisions
	more than five hundred dollars (\$500) in
Cities	the aggregate. The 2022 interest rate
	imposed on delinquent taxes is equal to
Special Taxing Districts	that imposed in 2021.

#### III. WORKSHEET

The proposed amendment establishes the rate of interest for 2022 at three percent (3%), which is equal to the rate in 2021

This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate. Because the 2022 interest rate imposed on delinquent taxes is equal to the rate imposed in 2021, the interest rate will be the same on each \$100 of delinquent taxes to public entities.

#### Interest on Delinquent Taxes Paid to Department of Revenue

	Current Rule 3.00%	Proposed Amendment 3.00%			
Example:	0.0076	0.0070			
Past due tax amount	\$100.00	\$100.00			
Interest Amount (%)	\$3.00	<u>\$3.00</u>			
<b>Total Amount Due</b>	\$103.00	\$103.00			

#### IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2021 was three point two five percent (3.25%). The actual bank prime loan rate noted by the Federal Reserve in 2020 was five point two five percent (5.25%).

## FISCAL NOTE PRIVATE COST

#### I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Proposed Amendment

#### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with delinquent tax.	Any taxpayer with delinquent tax.	This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. The 2021 interest rate imposed on delinquent taxes is equal to that imposed in 2020. The actual number of affected taxpayers is unknown.

#### III. WORKSHEET

The proposed amendment establishes the rate of interest for 2022 at three percent (3%), which is equal to the rate in 2021.

This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. Because the 2022 interest rate imposed on delinquent taxes is equal to the rate imposed in 2021, the interest rate will be the same on each \$100 of delinquent taxes to private entities. The actual number of affected taxpayers is unknown.

#### Interest on Delinquent Taxes Paid to Department of Revenue

	Current Rule 3.00%	Proposed Amendment 3.00%			
Example:	0.007.0	5.5575			
Past due tax amount	\$100.00	\$100.00			
Interest Amount (%)	\$3.00	\$3.00			
<b>Total Amount Due</b>	\$103.00	\$103.00			

#### IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the Director of Revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year, as set by the Board of Governors of the Federal Reserve, rounded to the nearest full percentage. The actual bank prime loan rate noted by the Federal Reserve in 2021 was three point two five percent (3.25%). The actual bank prime loan rate noted by the Federal Reserve in 2020 was five point two five percent (5.25%).

#### Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 104—Sales/Use Tax—Registration

#### PROPOSED AMENDMENT

12 CSR 10-104.030 Filing Requirements as Defined in Section 144, RSMo. The department is amending the title of the rule and sections (3) and (4).

PURPOSE: This rule is updated per statutory changes regarding the guidance for determining a taxpayer's filing frequency and the taxpayer's obligation to file a return and remit tax on the due date according to sections 144.080, 144.081, 144.090, 144.100, 144.140, 144.160, 144.170, and 144.250, RSMo.

#### (3) Basic Application.

- (A) Every licensed taxpayer must file a return and remit tax due *lby the statutory due datel* as provided in subsection (3)(C). The taxpayer must file a return even if no sales were made during the reporting period. The taxpayer is responsible for obtaining the necessary forms for filing. Failure to obtain tax forms does not relieve the taxpayer from filing.
- (B) The taxpayer's filing frequency is determined by the amount of state sales tax collected by the taxpayer for all business locations during the previous calendar year. The filing frequency of a new business is based on the estimated taxable sales for the first year of operation. Local, conservation, or parks and soils taxes are not considered in determining filing frequency.
- 1. If state tax collections equal or exceed five hundred dollars (\$500) per calendar month, the taxpayer must file and remit taxes on a monthly basis.
- 2. If state tax collections are less than five hundred dollars (\$500) per calendar month but equal or exceed *[one]* two hundred dollars (\$/1/200) in a calendar quarter, the taxpayer must file and remit taxes on a quarterly basis.
- 3. If state tax collections are less than *[one]* two hundred dollars (\$/1/200) per quarter, the taxpayer must file and remit taxes on an annual basis.
- (C) A monthly return is due on the [twentieth] last day of the following month [, except for the last month of a quarter]. A quarterly return [and a monthly return] filed for the last month of a quarter is due on the last day of the following month. An annual return is due on January 31 following the calendar year. If the due date falls on a Saturday, Sunday, or state of Missouri holiday the return is due on the next business day.

#### (4) Examples.

- (B) A taxpayer prepares its February return on March [20] 31 and calculates tax due at twenty-five thousand dollars (\$25,000). When preparing the return the taxpayer takes the two percent (2%) timely payment allowance equaling five hundred dollars (\$500). The postal carrier picks up the return and payment on its last run of the day at 5:00. The post office postmarks all mail from its 5:00 pick-up for the next day. Because the return is postmarked on [March 21] April 1, the return is one (1) day late. The taxpayer loses the two percent (2%) timely payment allowance. The twenty-five thousand dollars (\$25,000) is subject to five percent (5%) additions to tax. Interest accrues on five hundred dollars (\$500) until it is paid to the department.
- (C) A taxpayer prepares its February return on March [19] 31. When preparing the return the taxpayer takes the **two percent** (2%) timely payment allowance equaling **five hundred dollars** (\$500). The taxpayer sends the return and payment to its mailroom for metering. The taxpayer's mailroom meters the envelope on March [20] 31. The postal carrier picks up the return on its last run of the day at 5:00. The post office postmarks all mail from its 5:00 pick-up for the next day. Because U.S. Postal Service's postmark is [March 21] April 1, the return is **one** (1) day late.

AUTHORITY: sections 144.270[, RSMo Supp. 2012,] and [section] 144.705, RSMo [2000] 2016. Original rule filed June 29, 2000, effective Dec. 30, 2000. Amended: Filed Jan. 15, 2013, effective July 30, 2013. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Administration Division, 301 W High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 108—Sales/Use Tax—Taxable Services

#### PROPOSED AMENDMENT

12 CSR 10-108.300 Sales of Electricity, Water, and Gas as Defined in Section 144, RSMo. The Department of Revenue is amending the title of the rule, the original purpose statement, and sections (2), (3), and (4).

PURPOSE: The purpose of the amendment is to conform the regulation to more recent case law.

PURPOSE: Section 144.020.1(3), RSMo, imposes a tax on the basic rate paid for sales of electricity, water, and gas to domestic, commercial, or industrial consumers. Section 144.030.2(23), RSMo, exempts from tax[,] sales for domestic use of these services, as well as wood, coal, and home heating oil. Section 144.032, RSMo, provides cities and counties the option to reimpose certain local sales taxes on sales for domestic use. This rule explains the taxation of electricity, water, and gas. [This rule does not address the exemptions for sales of electricity to manufacturers or material recovery processing plants, for use in basic steelmaking or battery manufacturing, or sales for resale to hotels or other lodging establishments.]

#### (2) Definition of Terms.

(B) Domestic use—nonagricultural, nonindustrial, and noncommercial use. Sales made by regulated utilities pursuant to a "residential" rate classification are for domestic use. Sales through a single or master meter for residential nursing homes, apartments, or condominiums, including service for common areas and facilities and vacant units, but not including administrative and maintenance areas, are sales for domestic use.

#### (3) Basic Application of Tax.

(A) Sales **or use** taxes [applies] apply to all sales of electricity, water, and gas to commercial or industrial consumers.

#### (4) Examples.

(C) A company purchases natural gas from an out-of-state supplier, who has nexus with Missouri, for commercial use. [Transportation charges are included on its monthly bill and separately stated. Use tax applies to the cost of gas purchased including the transportation charges] The supplier must collect vendor's use tax on the sales price of the gas.

AUTHORITY: sections [144.010 and 144.030, RSMo Supp. 2005 and 143.961, 144.032, 144.036 and] 143.961, 144.032, and 144.046, RSMo [2000] 2016, and sections 144.010 and 144.030, RSMo Supp. 2021. Original rule filed May 1, 2006, effective Nov. 30, 2006. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Administration Division, 301 W High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 111—Sales/Use Tax—Machinery and Equipment Exemptions

#### PROPOSED AMENDMENT

12 CSR 10-111.060 Material Recovery Processing Plant Exemption, as Defined in Section 144.030, RSMo. The department is amending the title of the rule and sections (1), (2), (3), and (4).

PURPOSE: This rule is being amended to address the changes made to section 144.030.2(4), RSMo, by the General Assembly.

(1) In general, the purchase of machinery and equipment, and the materials and supplies required solely for the operation, installation, or construction of such machinery and equipment is exempt from tax if used to establish new, or to replace or expand existing, material recovery processing plants in this state. Motor vehicles used on highways, as defined in section 301.010, RSMo, and materials and supplies used or consumed in the construction of a building or structure do not qualify for this exemption.

#### (2) Definition of Terms.

- (A) Material recovery processing plant—A facility [which converts recovered] that has as its primary purpose the recovery of materials into a [new] useable product[,] or [to] a different form [which] that is used in producing a new product[, and includes facilities or equipment used exclusively for the collection of]. A facility that uses a product made from recovered materials [for delivery] to manufacture another product is not a material recovery processing plant [but does not include motor vehicles used on highways].
- (B) New product—An item made from recovered materials that has a distinct identity, use, and market value separate from the recovered materials.
- [(B)](C) Recovered materials—[Those materials] Items that have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not [they] the items require subsequent separation and processing.
- (D) Solid waste—Garbage, refuse, and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental, and domestic activities, but does not include hazardous waste, recovered materials, overburden, rock, tailings, matte, slag, or other waste material resulting from mining, milling, or smelting.

- (E) Useable product—An item converted from recovered materials that has a market value.
- (3) Basic Application of Exemption.
- (A) [Machinery and equipment for new, or to replace or expand existing, material recovery processing plant—Purchases] The purchase of machinery and equipment used to establish new, or to expand existing, material recovery processing plants in this state [are] is not subject to tax. [Purchases] The purchase of materials and supplies required solely for the operation, installation, or construction of such machinery and equipment [are] is not subject to tax.
- (B) [New, replacement or expanded plant—Machinery and equipment are exempt if used to establish a new, or replace or expand an existing, material recovery processing plant. Materials and supplies required solely for the operation, installation or construction of machinery and equipment used in establishing a new plant, or in replacing or expanding an existing plant are exempt.] Materials and supplies used or consumed in the construction of a building or structure do not qualify for this exemption. Supplies do not include fuel.
- (C) Recovery of materials does not include the reuse of materials within a manufacturing process or the use of a product previously recovered. A facility or equipment can also qualify if it is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant. Equipment does not include motor vehicles used on highways.

#### (4) Examples.

- (A) A new company purchases machinery and equipment to retread old tires. The company purchases old tires and **produces retread tires for sale** with the use of the new machinery and equipment, it produces retread tires for sale. The machinery and equipment is not used for any other purpose. The machinery and equipment may be purchased under the material recovery processing plant exemption because the primary purpose of the facility is to convert the old tires into a useable product.
- (B) [A taxpayer recycles fuel. It processes both solid and liquid waste materials for use as a fuel in its cement manufacturing operation. The taxpayer uses shredders and pulverizers to grind the solid waste materials into sizes appropriate for processing. The taxpayer's mobile and conveyor systems are used to transport the solid and liquid wastes to different processes performed on the materials in taxpayer's facility. The fuel recycling facility would qualify as a material recovery processing plant because it converts recovered materials, solid and liquid waste materials, into a new product, fuels, that are then used to manufacture a new product, cement.] A taxpayer acquires and processes solid waste for use as a fuel in its manufacturing operation. The taxpayer has a separate facility that uses shredders and pulverizers to grind the solid waste into sizes appropriate for use in the manufacturing operation. The separate facility, but not the manufacturing operation, qualifies for the material recovery processing plant exemption because the primary purpose of the separate facility is to convert solid waste into a useable product.
- (C) [Assuming the same facts in example (4)(B), the] A taxpayer has a facility that uses shredders and pulverizers to grind solid waste into sizes appropriate to use for fuel and qualifies as a material recovery processing plant. The taxpayer purchases lubricants to operate [its machinery] the shredders and [equipment] pulverizers. Because the lubricants are required solely for the operation of the [machinery and equipment, they are not subject to tax] shredders and pulverizers in a material recovery processing plant, the purchase of the lubricants qualifies for the material recovery processing plant exemption.
- [(D) Taxpayer does not operate a material recovery processing plant but operates a facility used exclusively for the

collection of recovered materials for delivery to a material recovery processing plant. Taxpayer purchases storage bins, conveyors and a special truck for hauling waste material to and from its facility. The storage bins and conveyors would be exempt from tax. The special truck would be considered a motor vehicle pursuant to section 301.010, RSMo, and would be subject to tax.]

[(E)](D) A taxpayer operates a recycling business that purchases aluminum, paper, and other **used consumer** products to be bundled and then sold to facilities [which] that use them as raw materials to produce new and different products. [A] The taxpayer purchases loaders, baling machines, and crushing equipment to prepare the materials for sale and shipping. The loaders push the materials into the balers, which compress the recovered materials to be bailed for shipping. Because the taxpayer is collecting [recyclable] recovered materials, [and converts them into a different form, which is then used to produce new products,] the [taxpayer's operation would qualify as a material recovery processing plant. The] purchase of the loaders, baling machines, and crushing equipment [would] qualify for the material recovery processing plant exemption [if they were purchased and used to establish a new, or to replace or expand an existing plant].

- (E) A taxpayer operates a facility used exclusively for the collection of used motor oil for delivery to a material recovery processing plant. The taxpayer purchases storage tanks, pumps, and a truck for hauling the oil to and from its facility. The purchase of the storage tanks and pumps is exempt from tax. The truck is a motor vehicle used on highways and does not qualify for the material recovery processing plant exemption.
- (F) A manufacturer makes metal pipe. The manufacturing process creates metal scrap, which the taxpayer collects and reuses in its manufacturing process. The pipe manufacturer is not a material recovery processing plant because the metal scrap is reused in the pipe manufacturer's manufacturing process.
- (G) A manufacturer makes polyvinyl chloride (PVC) pipe. The manufacturing process creates scrap that the pipe manufacturer collects and sells to a recycling company. The recycling company grinds and pulverizes the scrap for sale to others that use the processed scrap to make other products. The pipe manufacturer's facility is not a material recovery processing plant because the primary purpose of the plant is not the recovery of materials. The recycling company is a material recovery processing plant because its primary purpose is to convert solid waste into a different form for use in making new products. The plants that use recovered materials purchased from the recycling company are not material recovery processing plants.
- (H) A manufacturer makes PVC pipe. To keep its plant clean, the manufacturer uses equipment to collect all scrap. After the scrap is collected in the plant, it is separated, crushed, bundled, and delivered to a recycler. The equipment used to clean the plant floor by collecting the scrap is subject to tax because it is not used exclusively for preparing the scrap for delivery to the recycler. The purchase of the equipment used to separate, crush, and bundle the scrap qualifies for the material recovery processing plant exemption because it is used exclusively to prepare the scrap for delivery to the recycler.
- (I) A pressboard manufacturer acquires sawdust from a sawmill to use in its manufacturing process. The sawdust has not been previously altered or recycled. The pressboard manufacturer converts the sawdust into pressboard. The pressboard manufacturer is a material recovery processing plant because the plant is recovering sawdust into a new usable product. Plants that use pressboard purchased from the pressboard manufacturer are not material recovery processing plants.
- (J) A window manufacturer purchases aluminum sheets for use in its manufacturing process. The aluminum sheets are made from one hundred percent (100%) recycled aluminum. The window manufacturer is not a material recovery processing plant

because it is only using materials that were previously recovered.

- (K) A manufacturer uses charcoal to purify water as part of its manufacturing process. The manufacturer must change the charcoal periodically because the charcoal no longer purifies the water once it is used for a while. The manufacturer contracts with a third party to revitalize the used charcoal using a chemical process. The third party returns the revitalized charcoal to the manufacturer, which then reuses it. The third party is a material recovery processing plant because the charcoal was diverted from the solid waste stream.
- (L) A chicken processor processes live chickens into chicken parts for retail sale. The chicken processor has another facility that uses the entrails and other remaining parts to make dog food. The processor's other facility is a material recovery processing plant because the plant is recovering chicken entrails and other remaining parts into dog food.
- (M) A manufacturing plant uses chemicals and solvents in its production processes to make chemical products used in various herbicides and pesticides. At the end of the manufacturing process, the plant isolates and recovers portions of the component parts, ingredients, and other chemicals from the chemical products to reuse them in subsequent manufacturing operations. The plant is not a material recovery processing plant because it is recovering materials to maintain an intended loop of reuse in a manufacturing process and not recovering materials to divert them from being discarded into the solid waste stream.

AUTHORITY: sections 144.270 and 144.705, RSMo [1994] 2016. Original rule filed Nov. 18, 1999, effective June 30, 2000. Amended: Filed Oct. 12, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Administration Division, 301 W High Street, Room 218, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 2—Income Maintenance

#### PROPOSED AMENDMENT

**13 CSR 40-2.015 Authorized Representatives**. The division is amending subsection (2)(D) and adding section (19).

PURPOSE: This amendment adds the Adult Expansion Group (AEG) to the list of groups that constitute "MO HealthNet programs" for purposes of this rule. The AEG was created by Amendment 2, which was passed by referendum on August 4, 2020, and which created Article IV, Section 36(c) of the Missouri Constitution, which requires the department to extend MO HealthNet coverage to Missourians ages 19-64 whose income is below 133% of the federal poverty level. This amendment also incorporates three (3) federal regulations and one (1) subpart of the Code of Federal Regulations (CFR). First, the rule governing authorized representatives (42 CFR 435.923). Second, the rule governing the privacy and security of personally

identifiable information (45 CFR 155.260), which authorized representatives must honor. Third, the rule governing the entities who may receive a reassigned claim from a Medicaid provider (42 CFR 447.10). Finally, the amendment incorporates the subpart in federal rules—42 CFR 431 Subpart F—on safeguarding information on Medicaid participants. Authorized representatives must agree to adhere to these rules as a condition of their representation.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(2) For purposes of this rule, the following terms shall mean:

(D) "MO HealthNet programs" shall mean the MO HealthNet benefits provided to participants under the MO HealthNet programs including, but not limited to, MO HealthNet for the Aged, Blind, and Disabled (MHABD) program, MO HealthNet for Families (MHF) program, the Adult Expansion Group (AEG) pursuant to Article IV Section 39(c) of the Missouri Constitution, MO HealthNet for Kids (MHK) program, MO HealthNet for Pregnant Women (MPW) program, and Uninsured Wom[a]en's Health Services (UWHS) program. MO HealthNet programs also include presumptive eligibility for any of the above programs; and

(19) This rule hereby incorporates by reference the following provisions and definitions from the *Code of Federal Regulations* (CFR) listed below as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and which is located on the website of the U.S. Government Publishing Office at https://www.govinfo.gov/app/collection/CFR. This rule does not incorporate any subsequent amendments or additions:

- (A) 42 CFR 435.923, October 20, 2021;
- (B) 42 CFR 431 Subpart F, October 20, 2021;
- (C) 45 CFR 155.260, October 20, 2021; and
- (D) 42 CFR 447.10, October 20, 2021.

AUTHORITY: sections 207.010, 207.022, 208.991, and 660.017, RSMo [Supp. 2013] 2016. Original rule filed June 30, 2015, effective Dec. 30, 2015. Emergency amendment filed Oct. 5, 2021, effective Oct. 20, 2021, expires April 17, 2022. Amended: Filed Oct. 5, 2021

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The overall implementation of Article IV, Section 36(c) of the Missouri Constitution, pursuant to which the division is amending this regulation, is estimated to cost 2.71 billion dollars (\$2,710,000,000), which includes 258.5 million dollars (\$258,500,000) in state funding and 2.45 billion dollars (\$2,450,000,000) in federal financial participation annually starting in fiscal year 2022.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Legal Services-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to rules.comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 7—Family Healthcare

#### PROPOSED AMENDMENT

13 CSR 40-7.010 Scope and Definitions. The division is amending subsection (1)(K).

PURPOSE: This proposed amendment adds the Adult Expansion Group to the list of populations that fall under Family MO HealthNet programs, pursuant to Amendment 2, which was ratified on August 4, 2020, and which created Article IV, Section 36(c) of the Missouri Constitution.

#### (1) Definitions.

(K) "Family Mo HealthNet programs" means MO HealthNet benefits provided to participants under the MO HealthNet for Families (MHF) program, the Adult Expansion Group (AEG) pursuant to Article IV, Section 36(c) of the Missouri Constitution, MO HealthNet for Kids (MHK) program, MO HealthNet for Pregnant Women (MPW) program, and Uninsured Wom[a]en's Health Services (UWHS) program. Family MO HealthNet programs also include presumptive eligibility for any of the above programs.

AUTHORITY: sections 207.022 and 660.017, RSMo 2016. Original rule filed July 31, 2013, effective Feb. 28, 2014. Amended: Filed Oct. 1, 2018, effective May 30, 2019. Emergency amendment filed Oct. 5, 2021, effective Oct. 20, 2021, expires April 17, 2022. Amended: Filed Oct. 5, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies more than five hundred dollars (\$500) in the aggregate. The overall implementation of Article IV, Section 36(c) of the Missouri Constitution, pursuant to which the division is amending this regulation, is estimated to cost 2.71 billion dollars (\$2,710,000,000), which includes 258.5 million dollars (\$258,500,000) in state funding and 2.45 billion dollars (\$2,450,000,000) in federal financial participation annually starting in fiscal year 2022.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Legal Services-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to rules.comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 7—Family Healthcare

#### PROPOSED AMENDMENT

13 CSR 40-7.050 Presumptive Eligibility. The department is amending sections (1), (2), and (4).

PURPOSE: This proposed amendment allows qualified hospitals to make Medicaid presumptive eligibility determinations for the Adult Expansion Group (AEG), per Article IV Section 36(c) of the Missouri Constitution. The state is legislatively mandated to implement these changes by July 1, 2021. Applicable federal regulations require state Medicaid agencies to offer qualified hospitals the opportunity to make presumptive eligibility determinations for this

Medicaid population.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The department shall provide MO HealthNet benefits to individuals during a period of presumptive eligibility for individuals who have been determined eligible for MO HealthNet benefits on the basis of preliminary information by a presumptive eligibility qualified entity in accordance with this rule, and pursuant to sections 435.1100, 435.1101, 435.1102, 435.1103, and 435.1110 of Title 42, Code of Federal Regulations, which is incorporated by reference and made part of this rule as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and available at its website (https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-C/part-435?toc=1), October 20, 2021. This rule does not incorporate any subsequent amendments or additions.

#### (2) For the purposes of this rule—

- (A) "Presumptive eligibility" means temporary MO HealthNet benefits for children under the age of nineteen (19) (pursuant to 42 U.S.C. sections 1396a(47) and 1396r-1a and 42 CFR sections 435.1102 and 435.1110), parents and other caretaker relatives (pursuant to 42 CFR sections 435.1103 and 435.1110), former foster care children (pursuant to 42 CFR sections 435.1103 and 435.1110), pregnant women (pursuant to 42 U.S.C. sections 1396a(47) and 1396r-1 and 42 CFR sections 435.1103 and 435.1110), [and] individuals with breast cancer or cervical cancer (pursuant to 42 U.S.C. sections 1396a(47) and 1396r-1b and 42 CFR sections 435.1103 and 435.1110), and adults between ages nineteen (19) and sixty-four (64) (pursuant to 42 CFR 435.1110), allowing them to receive MO HealthNet benefits before they have applied for MO HealthNet benefits through the division;
- (B) "Qualifying hospital" has the same meaning as in 42 CFR 435.1110(b);
- (C) "Federally qualified health center" has the same meaning as in 42 U.S.C. section 1396(l)(2)(B);
- (D) "Rural health clinic" has the same meaning as in 42 U.S.C. section 1395x(aa)(2);
- (E) "Presumptive eligibility qualified entity" means a MO HealthNet provider organization responsible for screening individuals/families regarding presumptive eligibility for MO HealthNet benefits
- 1. For presumptive eligibility determinations for children under the age of nineteen (19), "presumptive eligibility qualified entity" means a federally qualified health center, rural health clinic, or qualifying hospital that meets the requirements for a "qualified entity" in 42 U.S.C. section 1396r-1a(b)(3)(A).
- 2. For presumptive eligibility determinations for pregnant women, "presumptive eligibility qualified entity" means a county health department, federally qualified health center, rural health clinic, or qualifying hospital that meets the requirements for a "qualified provider" in 42 U.S.C. section 1396r-1(b)(2).
- 3. For presumptive eligibility determinations for parents and caretaker relatives, "presumptive eligibility qualified entity" means a qualifying hospital as provided in section 42 CFR 435.1110.
- 4. For presumptive eligibility determinations for breast and cervical cancer treatment, "presumptive eligibility qualified entity" means a Show-Me Healthy Women [P] provider which has a participation agreement with the Missouri Department of Health and Senior Services that meets the requirements for a "qualified entity" in 42 U.S.C. section 1396r–1b(b)(2).

- 5. For presumptive eligibility determinations for former foster care children, "presumptive eligibility qualified entity" means a qualifying hospital.
- 6. For presumptive eligibility determinations for adults between ages nineteen (19) and sixty-four (64), "presumptive eligibility qualified entity" means a qualifying hospital.
- (4) A presumptive eligibility qualified entity shall make presumptive eligibility determinations subject to the requirements listed below:
- (H) In making a presumptive eligibility determination, the presumptive eligibility qualified entity shall apply preliminary eligibility criteria established by applicable law and regulation, using forms provided by the division, and shall approve an application for presumptive eligibility only if the following requirements are met:
  - 1. For children under the age of nineteen (19)—
- A. The child must meet the same requirements for income and United States and Missouri residency required for regular Medicaid coverage for children under nineteen (19); and
- B. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;
  - 2. For parents and caretaker relatives-
- A. Individuals must be parents or other caretaker relatives (as defined in 42 CFR 435.4), including pregnant women, of a dependent child (as defined in 42 CFR 435.4) under age eighteen (18);
- B. The individual must meet the same requirements for income and United States and Missouri residency required for regular Medicaid coverage for parents; and
- C. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;
  - 3. For pregnant women—
    - A. The individual must be pregnant;
- B. The woman must meet the same requirements for income and United States and Missouri residency required for regular Medicaid coverage for pregnant women or for coverage under the Show-Me Healthy Baby program; and
- C. The individual must not have already received benefits under a MO HealthNet presumptive eligibility program during the current pregnancy;
  - 4. For breast and cervical cancer treatment—
- A. The individual must be diagnosed with breast or cervical cancer by a Show-Me Healthy Women [P] provider unless the participant is diagnosed by a MO HealthNet provider while currently receiving MO HealthNet benefits;
- B. The woman must meet the same requirements for income and United States and Missouri residency required for regular coverage under the Breast and Cervical Cancer Coverage program; and
- C. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;
  - 5. For former foster care children—
- A. The individual must be in foster care under the responsibility of the state of Missouri as of their eighteenth birthday or within thirty (30) days prior to their eighteenth birthday;
- B. The individual must be under the age of twenty-six (26) years old;
- C. The individual must not be eligible for another MO HealthNet benefits group;
- D. The individual must have been covered by MO HealthNet while they were in foster care;
  - E. The individual must be a Missouri resident; and
- F. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period; and
  - 6. For adults between ages nineteen (19) and sixty-four (64)-
- A. The adult must meet the requirements for income and United States and Missouri residency required for regular Medicaid coverage for adults between ages nineteen (19) and

sixty-four (64) pursuant to 42 CFR 435.1103 and 435.1110; and

B. There can be no more than one (1) presumptive eligibility period within a twelve- (12-) month period starting with the effective date of the initial presumptive eligibility period;

AUTHORITY: sections 207.022[, RSMo Supp. 2014, section 208.151.1(22), RSMo Supp. 2013,] and [section] 660.017, RSMo [2000] 2016, and section 208.151.1(22), RSMo Supp. 2021. Original rule filed March 31, 2016, effective Sept. 30, 2016. Emergency amendment filed Oct. 5, 2021, effective Oct. 20, 2021, expires April 17, 2022. Amended: Filed Oct. 5, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The overall implementation of Article IV, Section 36(c) of the Missouri Constitution, pursuant to which the division is amending this regulation, is estimated to cost 2.71 billion dollars (\$2,710,000,000), which includes 258.5 million dollars (\$258,500,000) in state funding and 2.45 billion dollars (\$2,450,000,000) in federal financial participation annually starting in fiscal year 2022.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules. Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 90—Home Health Program

#### PROPOSED AMENDMENT

**13 CSR 70-90.010 Home Health-Care Services**. The MO HealthNet Division is adding subsection (2)(C), amending sections (7) and (8), and adding section (9).

PURPOSE: This amendment allows the adult expansion group described in Article IV Section 36(c) of the Missouri Constitution to receive habilitative services through the Missouri Home Health Program, and updates the incorporated by reference dates.

- (2) Home health services include the following services and items:
- (C) Physical, occupational, or speech therapy when the following conditions are met:
- 1. The participant is age nineteen (19) or over and under age sixty-five (65) and enrolled under the Medicaid eligibility criteria for the adult expansion group as described in Article IV section 36(c) of the *Missouri Constitution*; and
- 2. Physical, occupational, or speech therapy is a habilitative service that will help the individual keep, learn, or improve skills and functioning for daily living, in accordance with limitations set forth in section (9) of this rule;
  - [(C)](D) Intermittent home health aide; and
- *[(D)]*(E) Supplies identified as specific and necessary to the delivery of a participant's nursing care and prescribed in the plan of care. Supplies are health care related items that are consumable or disposable, or cannot withstand repeated use by more than one (1) individual, that are required to address an individual medical disability, illness, or injury. Medical supplies are classified as—
- 1. Routine—medical supplies used in small quantities for patients during the usual course of most home visits; or

- 2. Non-routine—medical supplies needed to treat a patient's specific illness or injury in accordance with the physician's plan of care and meet further conditions discussed in more detail below.
- (7) To be reimbursed by MO HealthNet, all home health services and supplies must be provided in accordance with a written plan of care authorized by the participant's physician. The criteria for the development of the written plan of care and changes to the written plan of care through interim order(s) are described in the MO HealthNet Division Home Health Provider Manual. The MO HealthNet Division Home Health Provider Manual is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at http://manuals.momed.com/manuals/, [December 10, 2019] September 24, 2021. This rule does not incorporate any subsequent amendments or additions. Plans of care and interim order(s) are to be maintained in the client record.
- (8) Skilled therapy services as described in subsection (2)(B) will be considered reasonable and necessary for treatment if the conditions of paragraphs (8)(A)1.-4. are met.
- (9) The combination of physical, occupational, and speech therapy as described in subsection (2)(C) of this rule is limited to a total of twenty (20) visits inclusive of services from all MO HealthNet providers per year.

AUTHORITY: sections 208.153, 208.201, and 660.017, RSMo 2016, and section 208.152, RSMo Supp. [2019] 2021. This rule was previously filed as 13 CSR 40-81.056. Original rule filed April 14, 1982, effective July 11, 1982. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 5, 2021, effective Oct. 20, 2021, expires April 17, 2022. Amended: Filed Oct. 5, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. There is no fiscal impact to fee-for-service. Adult expansion group participants will be enrolled in managed care and this service will be provided through the managed care health plan, and the costs of those services are included in the capitation payments that Missouri HealthNet Division (MHD) makes to the managed care providers. There is an estimated overall fiscal impact, which would be for managed care, as follows: Home health agencies, \$0 fiscal impact anticipated for proposed changes; and MO HealthNet, \$10,594,584.90 anticipated across all MHD programs, and \$2,648,646.22 fiscal impact anticipated for the Home Health program.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules. Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 15—ELECTED OFFICIALS Division 50—Treasurer Chapter 4—Missouri Education [Savings] Program

#### PROPOSED AMENDMENT

**15 CSR 50-4.010 General Organization**. The treasurer is amending the chapter title and sections (1) and (2).

PURPOSE: This amendment updates the name of the Missouri Education Program.

- (1) House Bill No. 959, 2nd Regular Session, 92nd General Assembly (2004), as amended by Senate Bill No. 882, 2nd Regular Session, 99th General Assembly (2018), as amended by House Bill No. 297, 1st Regular Session, 101st General Assembly (effective August 28, 20[18]21), codified at sections 166.400 through 166.456, RSMo, creates the Missouri Education [Savings] Program (the program), to be administered by the Missouri Education [Savings] Program Board (the board). The board consists of the state treasurer (who serves as chairman), the commissioner of the state Department of Higher Education, the commissioner of education, the commissioner of the state Office of Administration, the director of the state Department of Economic Development, two (2) persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one (1) of whom will be selected by the president pro tem of the state Senate and the other selected by the speaker of the state House of Representatives, and one (1) person having demonstrable experience and knowledge in the area of banking or deposit rate determination and placement of certificates of deposit or other deposit investments, to be appointed by the [G]governor with the advice and consent of the senate. The board's primary purpose is to administer the program and the board possesses all powers necessary to carry out and effectuate the purposes, objectives, and provisions of the statute.
- (2) The program is designed to promote access to *[higher]* education by providing individuals with a convenient method to fund the increasingly expensive cost of *[post-secondary]* education. By allowing participants to make current contributions for designated beneficiaries and by investing these contributions with the goal of achieving a rate of return that reflects increases in educational costs, the program is intended to provide designated beneficiaries with funds needed for the costs of their *[post-secondary school]* education. Within limits set by state and federal law, contributions to a savings account pursuant to the program are deductible from the contributor's state income tax, and income earned or received from the program by a contributor or beneficiary are not subject to state income tax.

AUTHORITY: section 166.415, RSMo Supp. [2019] 2021, and section 536.023, RSMo 2016. Original rule filed Aug. 30, 1999, effective Feb. 29, 2000. Amended: Filed June 13, 2019, effective Nov. 30, 2019. Amended: Filed Oct. 4, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the State Treasurer, Harry S. Truman State Office Building, PO Box 210, Jefferson City, MO 65102, or via email at info@treasurer.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 15—ELECTED OFFICIALS Division 50—Treasurer Chapter 4—Missouri Education [Savings] Program

#### PROPOSED AMENDMENT

**15 CSR 50-4.020 Missouri Education** [Savings] **Program**. The treasurer is amending the chapter title and sections (2)–(8).

PURPOSE: This amendment updates the name of the Missouri Education Program.

#### (2) Definitions.

- (A) Existing Missouri Definitions. The following terms, as used in this rule, are defined in section 166.410, RSMo: benefits, board, eligible educational institution, *Internal Revenue Code*, participation agreement, qualified higher education expenses, qualified education expenses, *[savings]* program.
- (C) Additional Definitions. The following definitions shall also apply to the following terms as they are used in this rule:
- 1. "501(c)(3) organization" means an organization described in section 501(c)(3) of the *Internal Revenue Code* and exempt from taxation under section 501(a) of the *Internal Revenue Code*;
- 2. "Account" means the account in the [savings] program established by a participant and maintained for a beneficiary;
- 3. "Account balance" means the fair market value of an account on a particular date;
- 4. "Account owner" means—a) a participant or b) the transferee of an account pursuant to subsection (5)(H) below;
- 5. "Beneficiary" means a designated beneficiary as defined in section 529 of the *Internal Revenue Code* and the Treasury regulations (or proposed regulations) promulgated thereunder;
- 6. "Cash" shall include, but not be limited to, checks drawn on a banking institution located in the continental United States in U.S. dollars (other than cashiers checks, travelers checks, or third-party checks exceeding ten thousand dollars (\$10,000)), money orders, payroll deduction, and electronic funds transfers. Cash does not include property;
- 7. "Disability" means, with respect to a beneficiary, any disability of such beneficiary that has been certified pursuant to paragraph (6)(B)2. below;
- 8. "Member of the family" means an individual who is related to the beneficiary as listed in subparagraphs (2)(C)8.A. through (2)(C)8.I. of this definition, together with such changes to such list as may be included, from time-to-time, in the definition of "member of the family" pursuant to section 529 of the *Internal Revenue Code* or the Treasury regulations (or proposed regulations) thereunder:
  - A. A son or daughter, or a descendant of either;
  - B. A stepson or stepdaughter;
  - C. A brother, sister, stepbrother, or stepsister;
  - D. The father or mother, or an ancestor of either;
  - E. A stepfather or stepmother;
  - F. A son or daughter of a brother or sister;
  - G. A brother or sister of the father or mother;
- H. A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law; or
- I. The spouse of the designated beneficiary or the spouse of any individual de-scribed in subparagraphs (2)(C)8.A. through (2)(C)8.H. of this definition.

For purposes of determining who is a member of the family hereunder, a legally adopted child of an individual shall be treated as the child of such individual by blood, and the terms brother and sister include a brother or sister by the halfblood;

- 9. "Non-qualified withdrawal" means a distribution from an account other than a qualified withdrawal, a withdrawal due to death, disability or scholarship of beneficiary, a rollover distribution, or a distribution from an account that is made after amounts are held in such account for the minimum length of time, if at all, permitted by section 529 of the *Internal Revenue Code* without the imposition of a penalty;
- 10. "Participant" means a person who has entered into a participation agreement pursuant to the statute and this rule for the payment of qualified education expenses on behalf of a beneficiary;
- 11. "Person" means any individual, estate, association, trust, partnership, limited liability company, corporation, the state of Missouri or any department thereof, or any political subdivision of the state of Missouri:

- 12. "Qualified withdrawal" means a distribution from an account established under the *[savings]* program used exclusively to pay qualified education expenses of the beneficiary;
- 13. "Rollover distribution" means a distribution or transfer from an account for a beneficiary that is transferred or deposited within sixty (60) days of the distribution into an account for another beneficiary who is a member of the family of the current beneficiary, in each case to the extent permitted as a rollover distribution, as defined in section 529(c)(3)(C)(i) of the *Internal Revenue Code* and the Treasury regulations (or proposed regulations) promulgated thereunder. A distribution is not a rollover distribution unless there is a change of beneficiary. The account for such other beneficiary may be an account established under the *Isavings1* program or an account established under a qualified state tuition program in another state:
- 14. "Scholarship" means any scholarship and any allowance or payment described in section 135(d)(1)(B) or (C) of the *Internal Revenue Code*;
- 15. "Scholarship account" means an account in the *[savings]* program established by a participant that is a scholarship sponsor and maintained for the benefit of one (1) or more current and/or future beneficiaries;
- 16. "Scholarship sponsor" means the state of Missouri, an instrumentality of the state of Missouri, a political subdivision of the state of Missouri, or an organization described in section 501(c)(3) of the *Internal Revenue Code*, in each case who establishes one (1) or more accounts as part of a scholarship program;
- 17. "Statute" means sections 166.400 to 166.456, RSMo, as amended from time-to-time; and
- 18. "Withdrawal due to death, disability, or scholarship of beneficiary" means a distribution from an account established under the *[savings]* program—a) made because of death or disability of the beneficiary, or b) made because of the receipt of a scholarship by the beneficiary to the extent that such distribution does not exceed the amount of such scholarship.
- (3) Purposes. The purposes of the *[savings]* program are—a) to encourage savings to enable students to continue their education by attending eligible educational institutions, and b) to enable participants and beneficiaries to avail themselves of tax benefits provided for qualified state tuition programs under the *Internal Revenue Code*.
- (4) Program Administration and Management. The [savings] program shall be administered and managed in compliance with the provisions of the Internal Revenue Code (including section 529, other applicable sections and implementing regulations and guidelines), the statute and this rule. Procedures and forms for use in the administration and management of the [savings] program shall be subject to the approval of the board. If the board designates a third party to assist or act for the board with respect to the administration and management of the [savings] program, the references herein to the board shall govern such a designee of the board.
- (5) [Savings] Program Participation and Participation Agreements.
- (B) Participant Eligibility. A participant may be any person—a) who submits to the board a completed participation agreement, and an address for each participant and beneficiary in the United States, and b) who otherwise meets the qualifications set forth in federal law, Missouri law, and regulations governing the *[savings]* program. A participant that establishes a scholarship account shall provide the valid Social Security numbers or taxpayer identification numbers and addresses in the United States of each beneficiary of the applicable scholarship account prior to or in connection with a request for a distribution.
- (C) Participation Agreements. To participate in the [savings] program, a prospective participant must submit a completed participation agreement with either an initial contribution or a selection of electronic funds transfer or payroll deduction as the method of initial

- contribution. The participation agreement will provide that the participant (and any successor account owner) will retain ownership of payments made under the program through the opening of an account in the name of the participant and for the benefit of the beneficiary designated by such participant (or the successor account owner). Only one (1) account owner and one (1) beneficiary is permitted per account, except that scholarship accounts may be established for the benefit of one (1) or more present or future beneficiaries. One (1) or more participants may establish accounts for a single beneficiary. Each participant agreement shall impose a penalty on the early distribution of funds in accordance with section 166.430, RSMo. Each participation agreement shall provide that the participation agreement may be canceled upon the terms and conditions set forth therein, subject to subsection (5)(I) below.
- (D) Contributions. All contributions to accounts shall be in cash. The maximum amount which may be contributed annually by a participant with respect to a beneficiary shall be established by the board, from time-to-time, but in no event shall be more than the total contribution limit described in the succeeding sentence. The total contributions that may be held in an account shall be the amount established by the board from time-to-time, but in no event shall be more than the maximum amount permitted for the [savings] program to qualify as a "qualified state tuition program" pursuant to section 529 of the Internal Revenue Code.
- (H) Changes of Account Ownership. An account owner may transfer ownership of an account to another person eligible to be a participant under the provisions of the statute and this rule, and upon receipt of a request for change of account owner that satisfies the criteria set forth in this subsection, the transferee shall be considered the account owner for all purposes related to the *[savings]* program, regardless of the source of subsequent contributions.
- 1. General rule. Any such change of account ownership shall be effective provided that the transfer—a) is irrevocable, b) transfers all ownership, reversionary rights, and powers of appointments (i.e., power to change beneficiaries and to direct distributions from the account), and c) is submitted to the board on a change of account owner form in such form as the board may specify from time-to-time and completed by the account owner (or, in the event of the death of the account owner, by the personal representative of his or her estate).
- 2. Designation of contingent account owners. Any account owner that is an individual person may designate a contingent account owner for its account, to become the owner of the account automatically upon the death of such account owner. Upon the death of an account owner who has made such a designation of contingent account owner, the assets of the account shall not be deemed assets of such person's estate for any reason. Prior to the initial action taken by the contingent account owner following the death of the deceased account owner, the contingent account owner shall provide a certified copy of a death certificate sufficiently identifying said deceased account owner by name and Social Security number or taxpayer identification number, or such other proof of death as is recognized under applicable law.
- (6) Payment of Benefits; Withdrawals.
- (F) Security. An account owner or beneficiary may not use any account or other interest in the *[savings]* program or any portion thereof as security for a loan.
- (7) Investments.
- (A) General (Investment Standards and Objectives). The board shall invest the funds received from participants, together with any income thereon, in such investments as the board shall reasonably determine will achieve a long-term total return through a combination of capital appreciation and current income. In exercising or delegating its investment powers and authority, the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In accordance

with the standards established herein and in the statute, the board may invest, through the board or any investment manager, funds received pursuant to the *[savings]* program. Any such investment shall be made solely in the interest of the account owners and beneficiaries and for the exclusive purposes of providing benefits to beneficiaries and defraying reasonable expenses of administering the program. An account owner or beneficiary may, directly or indirectly, direct the investments of any contributions to the program (or any earnings thereon) no more than two (2) times in any calendar year.

(8) Costs of Administration. All costs of administration of the *[savings]* program shall be borne by the account owners, from amounts paid as penalties on account of non-qualified withdrawals or early qualified withdrawals and from amounts on deposit in the accounts, as described in more detail in the participation agreements.

AUTHORITY: section 166.415, RSMo Supp. [2019] 2021. Emergency rule filed Aug. 30, 1999, effective Sept. 14, 1999, expired March 12, 2000. Original rule filed Aug. 30, 1999, effective Feb. 29, 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 4, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the State Treasurer, Harry S. Truman State Office Building, PO Box 210, Jefferson City, MO 65102, or via email at info@treasurer.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 15—ELECTED OFFICIALS Division 50—Treasurer Chapter 4—Missouri Education [Savings] Program

#### PROPOSED AMENDMENT

15 CSR 50-4.030 Missouri MOST 529 Matching Grant Program. The treasurer is amending the chapter title and sections (1), (2) and (6).

PURPOSE: This amendment updates the name of the Missouri Education Program.

#### (1) Definitions.

- (A) Existing Missouri Definitions. The following terms, as used in this rule, are defined in section 166.410, RSMo: Beneficiary, Board, Eligible Educational Institution, Participation Agreement, and [Savings] Program. The following terms, as used in this rule, are defined in the Missouri Code of State Regulations, 15 CSR 50-4.020(2): Account Owner, Member of the Family, Non-qualified Withdrawal, Qualified Withdrawal, and Participant.
- (B) Additional Definitions. The following definitions shall also apply to the following terms as they are used in this rule:
- 1. "MOST Matching Grant" means funds granted to an eligible account owner pursuant to the MOST 529 Matching Grant Program;
- 2. "MOST Matching Grant Account" means an account maintained for a beneficiary in which MOST matching grant funds are denosited:
- 3. "MOST Matching Grant Application" means the application required to be submitted by an account owner to be considered for a

MOST matching grant;

- 4. "Plan Account" means the account in the [savings] program established by a participant and maintained for a beneficiary; and
- 5. "Plan Description" means the MOST—Missouri's 529 Education Plan Program Description.
- (2) Program Description. The MOST 529 Matching Grant Program is a limited grant program administered by the board as set forth below. The MOST 529 Matching Grant Program is funded with money provided by the program manager of the *[savings]* program. The program may not be funded every year. When funded, funds are limited and, in any given year, may be capped by the board in an amount determined by the board to ensure availability of funds for the duration of the grant program. The funds will be granted to eligible applicants on a first-come, first-served basis.

#### (6) MOST Matching Grant Accounts.

(B) The *[savings]* plan shall retain control of the assets in the MOST matching grant account until the account owner submits a request in good order for a qualified withdrawal to an eligible educational institution.

AUTHORITY: section 166.415, RSMo Supp. [2019] 2021. Emergency rule filed April 5, 2012, effective April 15, 2012, expired Jan. 23, 2013. Original rule filed April 5, 2012, effective Oct. 30, 2012. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 4, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the State Treasurer, Harry S. Truman State Office Building, PO Box 210, Jefferson City, MO 65102, or via email at info@treasurer.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

### Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 81—Certification

#### PROPOSED AMENDMENT

**19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants**. The department is amending section (1), adding sections (7) and (8), adding forms DA-124 A/B, DA-124 C ATT, and DA-124 C, and amending form DHSS-DRL 110 (10-20).

PURPOSE: This amendment adds the level-of-care evaluation and assessment requirements back that were effective prior to October 31, 2021, in order for those individuals who would have qualified for Title XIX-funded services prior to October 31, 2021, to be eligible to receive services funded through the American Rescue Plan Act. The amendment also removes the words "an Intellectual Disability/" on the DHSS-DRL-110 (10-20) form included herein in sections (2) and (3).

PURPOSE: This rule sets the requirements for the periodic evaluation and assessments of residents in long-term care facilities in relationship to evaluation and assessment processes, level[-] of[-] care

needed by individuals, and appropriate placement of individuals in order to receive this care. The rule also includes the algorithm utilized for the department's Home and Community Based Services program for its level-of-care determination. The rule includes a second level-of-care determination to be utilized from October 31, 2021, until the funding from the American Rescue Plan Act (temporary enhanced federal medical assistance percentage) has been expended.

- (1) For purposes of this rule only, the following definitions shall apply:
- (H) *Pro re nata* (PRN)—medication or treatment ordered by a physician to be administered as needed, but not regularly scheduled;
- [(H)](I) Recipient—any resident in a certified long-term care facility who is receiving inpatient Title XIX assistance;
- (J) Redetermination of level-of-care—the periodic assessment of the recipients' continued eligibility and need for continuation at the previously assigned level of care. Periodic assessment includes, but is not limited to, the following:
- 1. Assessment of new admissions to a long-term care facility;
- 2. Assessment of a change in mental and/or physical status for a resident who is being readmitted to a long-term care facility after transfer to an acute care facility, and the previous DA-124 A/B or C forms do not reflect the resident's current care needs; and
- 3. Assessment of DA-124 forms as requested by the Department of Social Services, Family Support Division;
- [[]][K] Reevaluation of level-of-care—the periodic assessment of the recipients' continued eligibility and need for continuation at the previously assigned level[-] of[-] care. Periodic assessment includes, but is not limited to, the following:
  - 1. Assessment of new admissions to a long-term care facility;
- 2. Assessment of a change in mental and/or physical status for a resident who is being readmitted to a long-term care facility after transfer to an acute care facility, and the previous DHSS-DRL-109 (10-20), Nursing Facility Level of Care Assessment or DHSS-DRL-110 (10-20), Level One Nursing Facility Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition forms do not reflect the resident's current care needs; and
- 3. Assessment of DHSS-DRL-109 (10-20), Nursing Facility Level of Care Assessment or DHSS-DRL-110 (10-20), Level One Nursing Facility Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition forms as requested by Department of Social Services, Family Support Division;
- [(J)](L) Resident—a person seventeen (17) years or older who by reason of aging, illness, disease, or physical or mental infirmity receives or requires care and services furnished by a long-term care facility and who resides in, is cared for, treated, or accommodated in such long-term care facility for a period exceeding twenty-four (24) consecutive hours; and
- [(K)](M) The department—Department of Health and Senior Services.
- (7) Dual level-of-care assessments to be performed to determine level-of-care need from October 31, 2021, until the date that all of the temporary enhanced federal medical assistance percentage funds from the American Rescue Plan Act of 2021 are expended.
- (A) The department is eligible to receive an additional ten percent (10%) enhanced federal medical assistance percentage for home and community based services provided from April 1, 2021, through March 31, 2022, through the American Rescue Plan Act of 2021. This funding will allow the department to determine level-of-care need under the department's previous scoring system directly prior to the department's level-of-care transformation which takes effect on October 31, 2021, through formal rulemaking. Therefore, if an individual does not qualify for level of care under the current level-of-care assessment as set

forth in sections (5) and (6) of this rule from October 31, 2021, until the date that all of the temporary enhanced federal medical assistance percentage funds from the American Rescue Plan Act of 2021 are expended, then individuals shall also be assessed using a level-of-care assessment as set forth in section (8) of this rule. An individual may qualify for level-of-care need under either of these level of care assessments from October 31, 2021, until the date that all of the temporary enhanced federal medical assistance percentage funds from the American Rescue Plan Act of 2021 are expended.

- (8) Second level-of-care determination to be performed from October 31, 2021, until the date that all of the temporary enhanced federal medical assistance percentage funds from the American Rescue Plan Act of 2021 are expended.
- (A) Initial determination of level-of-care needs requirements.
- 1. For the purpose of making a determination of level-ofcare need and in accordance with 42 CFR sections 456.370 and 483.104, the department or its designated agents, or both, will conduct a review and assessment of the evaluations made by the attending physician for an applicant in or seeking admission to a long-term care facility. The review and assessment shall be conducted using the criteria in subsection (8)(D) of this rule.
- 2. The department shall complete the assessment within ten (10) working days of receipt of all documentation required by subsection (8)(D) in this rule unless further evaluation by the State Mental Health Authority is required by 42 CFR 483.100 to 483.138.
  - (B) Redetermination of level-of-care requirements.
- 1. Redetermination of level-of-care of individual recipients who are eligible for placement in long-term care facilities shall be conducted by the department through a review and assessment of the DA-124A/B (10-21) Initial Assessment Social and Medical, DA-124C (10-21) Level One Nursing Facility Pre-Admission Screening for Mental Illness/Intellectual Disability or Related Condition, and DA-124C ATT (10-21) Notice to Applicant included herein and any documentation provided by the resident's attending physician. A referring individual shall fill out and submit the forms to the department at COMRU@health.mo.gov.
- (C) Level-of-care criteria for long-term care facility care-qualified Title XIX recipients and applicants.
- 1. Individuals will be assessed with the ultimate goal to achieve placement for these individuals in the least restrictive environment possible, yet enable them to receive all services required by their physical/mental condition.
- 2. The specific areas which will be considered when determining an individual's ability or inability to function in the least restrictive environment are mobility, dietary, restorative services, monitoring, medication, behavioral, treatments, personal care, and rehabilitative services.
- 3. To qualify for intermediate or skilled nursing care, an applicant or recipient shall exhibit physical impairment, which may be complicated by mental impairment or mental impairment which may be complicated by physical impairment severe enough to require intermediate or skilled nursing care.
  - (D) Assessed needs point designations requirements.
- 1. Applicants or recipients will be assessed for level-of-care by the assignment of a point count value for each category cited in paragraph (8)(C)2. of this rule.
- 2. Points will be assessed for the amount of assistance required, the complexity of the care, and the professional level of assistance necessary, based on the level-of-care criteria. If the applicant's or recipient's records show that the applicant's or recipient's attending physician has ordered certain care, medication or treatments for an applicant or recipient, the department will assess points for a PRN order if the applicant or recipient has actually received or required that care, medication, or treatment within the thirty (30) days prior to review and evaluation by

the department.

- 3. For individuals seeking admission to a long-term care facility on or after October, 31, 2021, the applicant or recipient will be determined to be qualified for long-term care facility care if he or she is determined to need care with an assessed point level of twenty-four (24) points or above, using the assessment procedure as required in paragraph (8)(D)7. of this rule.
- 4. For individuals seeking admission to a long-term care facility on or after October 31, 2021, an applicant with twenty-one (21) points or lower will be assessed as ineligible for Title XIX-funded long-term care in a long-term care facility, unless the applicant qualifies as otherwise provided in section (5), section (6), or paragraphs (8)(D)5. or 6. in this rule.
- 5. Applicants or recipients may occasionally require care or services, or both, which could qualify as long-term care facility services. In these instances, a single nursing service requirement may be used as the qualifying factor, making the individual eligible for long-term care facility care regardless of the total point count. The determining factor will be the availability of professional personnel to perform or supervise the qualifying care services. Qualifying care services may include, but are not limited to:
- A. Administration of levine tube or gastrostomy tube feedings;
  - B. Nasopharyngeal and tracheotomy aspiration;
- C. Insertion of medicated or sterile irrigation and replacement catheters:
  - D. Administration of parenteral fluids;
  - E. Inhalation therapy treatments;
- F. Administration of injectable medications other than insulin, if required other than on the day shift; and
- G. Requirement of intensive rehabilitation services by a professional therapist at least five (5) days per week.
- 6. An applicant or recipient will be considered eligible for inpatient Title XIX assistance regardless of the total point count if the applicant or recipient is unable to meet physical/mental requirements for residential care facility (RCF) or assisted living facility (ALF) residency as specified by section 198.073, RSMo.
- 7. Points will be assigned to each category, as required by paragraph (8)(C)2. in this rule, in multiples of three (3) according to the following requirements:
- A. Mobility is defined as the individual's ability to move from place to place. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as independently mobile, in that the applicant or recipient requires no assistance for transfers or mobility. The applicant or recipient may use assistive devices (cane, walker, wheelchair) but is consistently capable of negotiating without assistance of another individual;
- (II) Three (3) points if assessed as requiring minimum assistance, in that the applicant or recipient is independently mobile once the applicant or recipient receives assistance with transfers, braces, or prosthesis application or other assistive devices, or a combination of these (example, independent use of wheelchair after assistance with transfer). This category includes individuals who are not consistently independent and need assistance periodically;
- (III) Six (6) points if assessed as requiring moderate assistance, in that the applicant or recipient is mobile only with direct staff assistance. The applicant or recipient must be assisted even when using canes, walker, or other assistive devices; and
- (IV) Nine (9) points if assessed as requiring maximum assistance, in that the applicant or recipient is totally dependent upon staff for mobility. The applicant or recipient is unable to ambulate or participate in the ambulation process, requires positioning, supportive device, application, prevention of contractures or pressure sores, and active or passive range of motion exercises;
  - B. Dietary is defined as the applicant's or recipient's nutri-

tional requirements and need for assistance or supervision with meals. The applicant or recipient will receive—

- (I) Zero (0) points if assessed as independent in dietary needs, in that the applicant or recipient requires no assistance to eat. The applicant or recipient has physician's orders for a regular diet, mechanically altered diet, or requires only minor modifications (example, limited desserts, no salt or sugar on tray);
- (II) Three (3) points if assessed as requiring minimum assistance, in that the applicant or recipient requires meal supervision or minimal help, such as cutting food or verbal encouragement. Calculated diets for stabilized conditions shall be included;
- (III) Six (6) points if assessed as requiring moderate assistance, in that the applicant or recipient requires help, including constant supervision during meals, or actual feeding. Calculated diets for unstable conditions are included; and
- (IV) Nine (9) points if assessed as requiring maximum assistance, in that the applicant or recipient requires extensive assistance for special dietary needs or with eating, which could include enteral feedings or parenteral fluids;
- C. Restorative services are defined as specialized services provided by trained and supervised individuals to help applicants or recipients obtain and/or maintain their optimal highest practicable functioning potential. Each applicant or recipient must have an individual overall plan of care developed by the provider with written goals and response/progress documented. Restorative services may include, but are not limited to, applicant or recipient teaching program (self-transfer, self-administration of medications, self-care), range of motion, bowel and bladder program, remotivational therapy, validation therapy, patient/family program, and individualized activity program. The applicant or recipient will receive—
- (I) Zero (0) points if restorative services are not required;
- (II) Three (3) points if assessed as requiring minimum services in order to maintain level of functioning;
- (III) Six (6) points if assessed as requiring moderate services in order to restore the individual to a higher level of functioning; and
- (IV) Nine (9) points if assessed as requiring maximum services in order to restore to a higher level of functioning. These are intensive services, usually requiring professional supervision or direct services;
- D. Monitoring is defined as observation and assessment of the applicant's or recipient's physical and/or mental condition. This monitoring could include assessment of routine laboratory work, including, but not limited to, evaluating digoxin and coumadin levels, measurement and evaluation of blood glucose levels, measurement and evaluation of intake and output of fluids the individual has received and/or excreted, weights and other routine monitoring procedures. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as requiring only routine monitoring, such as monthly weights, temperatures, blood pressures, and other routine vital signs and routine supervision;  $\frac{1}{2} \frac{1}{2} \frac{1}{2$
- (II) Three (3) points if assessed as requiring minimal monitoring, in that the applicant or recipient requires periodic assessment due to mental impairment, monitoring of mild confusion, or both, or periodic assessment of routine procedures when the recipient's condition is stable;
- (III) Six (6) points if assessed as requiring moderate monitoring, in that the applicant or recipient requires recurring assessment of routine procedures due to the applicant's or recipient's unstable physical or mental condition; and
- (IV) Nine (9) points if assessed as requiring maximum monitoring, which is intensive monitoring usually by professional personnel due to applicant's or recipient's unstable physical or mental condition:

- E. Medication is defined as the drug regimen of all physician-ordered legend medications, and any physician-ordered non-legend medication for which the physician has ordered monitoring due to the complexity of the medication or the condition of the applicant or recipient. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as requiring no medication, or has not required PRN medication within the thirty (30) days prior to review and evaluation by the department;
- (II) Three (3) points if assessed as requiring any regularly scheduled medication and the applicant or recipient exhibits a stable condition;
- (III) Six (6) points if assessed as requiring moderate supervision of regularly scheduled medications, requiring daily monitoring by licensed personnel; and
- (IV) Nine (9) points if assessed as requiring maximum supervision of regularly scheduled medications, a complex medication regimen, unstable physical or mental status or use of medications requiring professional observation and assessment, or a combination of these:
- F. Behavioral is defined as an individual's social or mental activities. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as requiring little or no behavioral assistance. Applicant or recipient is oriented and memory intact;
- (II) Three (3) points if assessed as requiring minimal behavioral assistance in the form of supervision or guidance on a periodic basis. Applicant or recipient may display some memory lapses or occasional forgetfulness due to mental or developmental disabilities, or both. Applicant or recipient generally relates well with others (positive or neutral) but needs occasional emotional support;
- (III) Six (6) points if assessed as requiring moderate behavioral assistance in the form of supervision due to disorientation, mental or developmental disabilities, or uncooperative behavior; and
- (IV) Nine (9) points if assessed as requiring maximum behavioral assistance in the form of extensive supervision due to psychological, developmental disabilities, or traumatic brain injuries with resultant confusion, incompetency, hyperactivity, hostility, severe depression, or other behavioral characteristics. This category includes residents who frequently exhibit bizarre behavior, are verbally or physically abusive, or both, or are incapable of self-direction. Applicants or recipients who exhibit uncontrolled behavior that is dangerous to themselves or others must be transferred immediately to an appropriate facility;
- G. Treatments are defined as a systematized course of nursing procedures ordered by the attending physician. The applicant or recipient will receive—
- (I) Zero (0) points if no treatments are ordered by the physician;  $\ \ \,$
- (II) Three (3) points if assessed as requiring minimal type-ordered treatments, including nonroutine and preventative treatments, such as whirlpool baths and other services;
- (III) Six (6) points if assessed as requiring moderate type-ordered treatments requiring daily attention by licensed personnel. These treatments could include: daily dressings, PRN oxygen, oral suctioning, catheter maintenance care, treatment of stasis or pressure sore ulcers, wet/moist packs, maximist, and other such services; and
- (IV) Nine (9) points if assessed as requiring maximum type-ordered treatments of an extensive nature requiring provision, direct supervision, or both, by professional personnel. These treatments could include intratrachial suctioning, insertion or maintenance of suprapubic catheter, continuous oxygen, new or unregulated ostomy care, dressings of deep draining lesions more than once daily, care of extensive skin disorders such as advanced pressure sore or necrotic lesions, infrared heat, and

other services:

- H. Personal care is defined as activities of daily living, including hygiene; personal grooming, such as dressing, bathing, oral and personal hygiene, hair and nail care, shaving; and bowel and bladder functions. Points will be determined based on the amount of assistance required and degree of assistance involved in the activity. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as requiring no assistance with personal care, in that the applicant or recipient is an independent, self-care individual. No assistance is required with personal grooming; the applicant or recipient has complete bowel and bladder control;
- (II) Three (3) points if assessed as requiring minimal assistance with personal care, in that the applicant or recipient requires assistance with personal grooming, and/or exhibits infrequent incontinency (once a week or less);
- (III) Six (6) points if assessed as requiring moderate assistance with personal care, in that the applicant or recipient requires assistance with personal grooming, requiring close supervision or exhibits frequent incontinency (incontinent of bladder daily but has some control or incontinent of bowel two (2) or three (3) times per week), or a combination of these; and
- (IV) Nine (9) points if assessed as requiring maximum assistance with personal care, in that the applicant or recipient requires total personal care to be performed by another individual, and/or exhibits continuous incontinency all or most of the time; and
- I. Rehabilitation is defined as the restoration of a former or normal state of health through medically ordered therapeutic services either directly provided by or under the supervision of a qualified professional. Rehabilitation services include, but are not limited to, physical therapy, occupational therapy, speech therapy, and audiology. If ordered by the physician, each resident must have an individually planned and implemented program with written goals and response/progress documented. Points will be determined by intensity of required services and the applicant's or recipient's potential for rehabilitation as determined by the rehabilitation evaluation. The applicant or recipient will receive—
- (I) Zero (0) points if assessed as requiring no ordered rehabilitation services;
- (II) Three (3) points, if assessed as requiring minimalordered rehabilitation services of one (1) time per week;
- (III) Six (6) points if assessed as requiring moderateordered rehabilitative services of two (2) or three (3) times per week; or
- (IV) Nine (9) points if assessed as requiring maximumordered rehabilitative services of four (4) times per week or more.



## MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES DIVISION OF REGULATION AND LICENSURE

FSD CO. NO.	CASH
LOAD NO.	☐ XIX

INI.	TIAL ASSE	SSME	ENT - SO	CIAL AND MEDIC	AL				AD NO.		☐ XIX
All questions on	this form must	be ans	wered – writ	te N/A if not applicable.	Blank are	eas will result i	n return	of docume	ent and de	lay in payn	nent.
A. SOCIAL ASS	ESSMENT										
1. PERSON'S NAME (LAST, FIRST, MI)					2. DCN		3. DOB	4	1. SOCIAL S	ECURITY NU	IUMBER
5. SEX		10. CU	RRENT LOCA	ATION (ADDRESS)							
6. RACE				erved on active duty in the Arm	ned Forces	of the United State	es and sep	arated from	such service	under condit	tions other
7. EDUCATION LEVE	EL		an dishonorable								
GRADE SCHOOL	_ HIGH SCHOOL			like to receive information and						No No	-DCON
□ COLLEGE [	OTHER		ACEMENT DUONE #			B. PERSON'S LEGAL GUARDIAN   OR DESIGNATED CONTACT PE				.h30N	
8. OCCUPATION						STREET ADDRESS					
					1				STATE ZIP		
9. DATE ADMITTED	TO NF				PHONE						
B. MEDICAL AS	SESSMENT	<u>'</u>									
Attach additional sh	eets of informati	on if nec									
1. HEIGHT	2. WEIGHT		6. RECENT	MEDICAL INCIDENTS (i.e., 0	CVA, SUR	GERY, FRACTUR	E, HEAD I	NJURY, ETO	C., AND GIVE	E DATE)	
3. B/P	4. PULSE										
5. DATE OF LAST M				EFFECTS: ————————————————————————————————————	NIENOV II	NOLLIDING DDNG			TE WITH DI	ACNOCEC)	
7. SPECIAL LAB TES	STS AND			RUGS (DOSAGE AND FREC	,	NCLUDING PRNS	,			,	
								9			
9. LIST ALL DIAGNO	SES (SHOULD C	ORRELA	TE WITH MED	DICATIONS) (INCLUDE PSY	CH DX)	10. POTENTIAL	PROBLE	AREAS A		11. ST	ABILITY
1			_ 6			ADDITIONAL	L COMME	NTS		☐ 1. I	MPROVING
2			_ 7							—	
											DETERIORATING
										—   □ 4. l	UNSTABLE
5			10								
12. LEVEL OF CARE	REQUESTED BY	Y PERSO	N'S PHYSICIA	AN (CHECK ONE)	RCF	□ ICFMR	□МН	SUPPLE	EMENTAL N	C  HOW	IE CARE
13. MENTAL STATU: APPLY)	S (CHECK ALL TH	HAT	14. BEHAVIO	ORAL INFORMATION (CHE	ECK ONE	15. FUNCTIONALE		MENT (CHE	CK ALL THA	AT APPLY AN	ND GIVE
			NONE MIN M			☐ VISION					
ORIENTED TO:	_ '	place,		☐ ☐ CONFUSED☐ ☐ WITHDRAWN		HEARING					
│ │ □ THINKS CLEARL	☐ time			☐ HYPERACTIVE							
LETHARGIC	_			□ □ WANDERS □ □ SUSPICIOUS	ATION						
				□ □ COMBATIVE							
☐ MEMORY:	☐ good, ☐ fai	r,		☐ SUPERVISED FOI		_					
	poor		ПП	☐ ☐ CONTROLLED WITH ME	EDICATION(S)						
		ROPRIAT	E BOX FOR E	EACH; GIVE RATIONALE PL	US AMOU	NT OF STAFF AS	SISTANCE	NEEDED. (	YOU MUST	USE GUIDE	#1 ON BACK.)
	DD MAX □ □ 1. MO	BILITY_									
		STORATI	VE SERVICES	S							
				ID							
			TS								
17. POTENTIAL FOR	R REHAB 🔲 G	GOOD	☐ FAIR	☐ POOR			LEVEL O		CE USE (		DRL CENTRAL
18. PATIENT REFER	RED BY			19. FORM COMPLETED BY	Y		OFFICE				
NAME OF INDIVIDUAL	OR AGENCY			SIGNATURE OF INDIVIDUAL			□1 NF	☐ 2 IID	□ змн	☐ 4 SNC	☐5 NONE
ADDRESS				TELEPHONE NUMBER			NEXT EV	ALUATION DA	TE S	SIGNATURE DA	TE
TELEPHONE FAX				FAX NUMBER	Di	ATE	STATE PI	HYSICAN'S C	ONSULTANT		

#### **GUIDE #1 - ASSESSED NEEDS:**

- 1. MOBILITY individual's ability to move from place to place. Do they require assistive device, physical assist with transfer, mobile only with physical assist or unable to ambulate and/or totally dependent?
- DIETARY individual's nutritional requirements and need for assist and/or supervision with meals. Do they have a special diet, require tray set up, cueing, feeding or on tube feedings or IV fluids?
- 3. RESTORATIVE specialized services provided to help individual obtain/maintain optimal function potential. Is individual receiving ROM, B & B program, RO, frequency, and amount of assistance required?
- MONITORING Observation and assessment of individual's physical and mental condition. This may include routine lab work, I & O, clinitest, acetest, weights and other routine procedures.
- MEDICATION A drug regimen of all physician ordered legend and non-legend drugs for which a physician has ordered monitoring due to complexity of drug or condition of individual.
- 6. BEHAVIORAL individual's social or mental activities. Does individual require supervision/guidance or assist due to their behavior? Are they alert, oriented, disoriented, uncooperative, abusive or incapable of self-direction?
- 7. TREATMENTS a systematized course of nursing procedures ordered by the attending physician. What is the treatment and how often is it ordered? Is the treatment non-routine and preventive, require daily attention by a professional or require extensive direct supervision?
- 8. PERSONAL CARE activities of daily living, including hygiene, personal grooming (dressing, bathing, oral hygiene, hair and nail care, shaving), and bowel and bladder function. Does daily care require supervision, close supervision or total care?
- 9. REHABILITATION restoration of former or normal state of health through medically ordered therapeutic services either directly provided by or under the supervision of a qualified professional, which may include PT, OT, ST and audiology. What type of rehab is individual receiving and how often do they receive it?

NOTE: Refer to 19 CSR 30-81.030 for complete details of point count system.

#### GUIDE #2 - INSTRUCTIONS (for Pre-Admission Screenings):

#### A. NURSING FACILITY ADMISSIONS FROM HOSPITALS-

- 1. If the person is hospitalized and will or MAY seek placement in a Medicaid certified bed within a skilled or intermediate nursing facility upon discharge, the hospital completes the Level One (I) Screening (DA-124C form) as soon as possible. If a Level Two (II) Screening is then indicated, the hospital also completes the DA-124A/B form (all questions must be answered). Email both forms to: COMRU@health. mo.gov. NOTE: The hospital must take immediate action since the Level II Screening process takes 7-9 working days to complete. The physician's signature, discipline, license number and date are ALWAYS required.
- 2. In Missouri, Federal & State regulations require that Level II Screenings be completed PRIOR to nursing facility placement EXCEPT when a person qualifies for a SPECIAL ADMISSION CATEGORY (follow directions on DA-124C form). NOTE: COMRU nurse may require copy of History & Physical.

- B. NURSING FACILITY ADMISSIONS FROM HOME OR RCF OR ALF-
- 1. Skilled/intermediate nursing facilities receiving persons directly from home should assist families in completing the Level I Screening (DA-124C) with instructions for them to obtain the family physician's signature. If a Level II Screening is indicated, completion of the DA-124A/B follows, as outlined in section A, #1 and 2.
- 2. EMERGENCY ADMISSIONS FROM HOME OR RCF OR ALF–If the person is a danger to himself or others, or if protective oversight is necessary, call the Adult Abuse and Neglect Hotline, 1-800-392-0210. Explain the emergency and ask that a DHSS Worker review the client for EMERGENCY admission to a skilled/intermediate nursing facility. Complete the DA-124A/B & C forms and contact COMRU immediately (573-522-3092). If the emergency occurs at night or on a weekend, do the same and contact COMRU at open of next business day before emailing the forms. If the person will require more than 7 days in a nursing facility, notify COMRU immediately.
- 3. All Medicaid certified beds, including swing beds, within skilled/intermediate nursing facilities MUST have a completed DA-124C form. If the person is PRIVATE PAY and their Level I Screening does NOT indicate the need for a Level II Screening, the DA-124C form is kept in their chart (on file) until they apply for Medicaid. At that time, a current DA-124A/B form is completed, attached to the original DA-124C form, and mailed to the same address as in section A, #1.

#### C. NURSING FACILITY TRANSFERS-

- 1. When persons transfer from one skilled/intermediate nursing facility to another, the sending facility furnishes a copy of their DA-124A/B & C forms to the receiving facility. The receiving facility then notifies their local FSD office of the transfer.
- 2. When persons transfer from one skilled/intermediate nursing facility to another and application for Medicaid is not indicated, the ORIGINAL DA-124C form must follow to the next facility.

### D. TRANSFERS FROM A FACILITY TO A HOSPITAL TO ANOTHER FACILITY-

- 1. When the person transfers from one skilled/intermediate facility to a hospital, then to another skilled/intermediate facility, hospitals must consider the following prior to placement:
- a. If the person did not need a Level II Screening prior to placement at the sending facility, no new forms are indicated if this hospital stay does not exceed 60 days (unless a current Level I Screening indicates the need for a Level II Screening).
- b. If the person had a Level II Screening prior to placement at the sending facility, but is being hospitalized for acute medical treatment, no new forms are necessary if the hospital stay does not exceed 60 days.

#### E. PERSON IS DISCHARGED HOME BUT UNABLE TO STAY-

1. If person is out of facility less than 60 days, no new forms are required. Notify local FSD office of person's readmission.

MO 580-2460 (10-2021) DA-124A/B (10-21)



## MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES DIVISION OF REGULATION AND LICENSURE

#### **NOTICE TO APPLICANT**

"Maggettan"
APPLICANT'S NAME
Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?  Yes No
If yes, would you like to receive information and assistance regarding the agency's veteran services?  ☐ Yes ☐ No
Federal Law (Section 1919(b) of the Social Security Act) requires a mental health screening for all persons seeking admission to a Medicaid certified nursing home. The purpose of this law, known as the Nursing Home Reform Act, is to ensure persons with mental health related conditions are placed in appropriate living arrangements where both their physical and mental health needs may be treated.
You are seeking admission to a Medicaid certified bed. Even though you may have completed screenings required by Missouri Department of Health and Senior Services, the nursing facility may <b>not</b> admit you to a Medicaid certified bed until all required mental health screenings are done.
The mental health screening is divided into two parts. The first screening (Level I) is done by the nursing home as part of the admission process or by a hospital before a patient is discharged. If the Level I screening suggests that you have a mental health need, a full evaluation (Level II) must be done by the Department of Mental Health.
This notice is to tell you that your Level I screening indicates that you may have a mental health service need. This means:
☐ 1. You may <b>not</b> be admitted to the nursing facility until there is a determination that nursing home placement is appropriate.
2. Due to the seriousness of your physical illness, you may be admitted to the nursing home. A full evaluation will be done later to determine if nursing home placement is appropriate.
☐ 3. Due to your need for <b>Respite Care</b> , you may be admitted to the nursing facility for no more than 30 days without a full evaluation if nursing home placement is appropriate.
4. Due to your need for <u>Emergency Care</u> for protection, you may be admitted to the nursing facility for no more than 7 days without a full evaluation to determine if nursing home placement is appropriate.
5. Your physician has certified that you are likely to require less than 30 days of nursing facility services for the condition for which you are currently receiving hospital care. If it becomes apparent that you will stay longer than 30 days, a full evaluation must be done at that time to determine that continued nursing home placement is appropriate.
Full Mental Health Evaluation
If a full mental health evaluation must be done, persons employed or contracted by the Department of Mental Health will contact you. The purpose of the full evaluation is to see if you:
1) have a mental health condition as defined by the Nursing Home Reform Act,
2) need nursing home level of care or another living arrangement, and

You, or your legal representative, will be given the results of the full evaluation and appeal rights. If the results show that nursing home care is not right for your physical and mental health needs, the Department of Health and Senior Services and Department of Mental Health will give you information about other services that may better meet your needs.

3) need special mental health services that the nursing home is unable to provide, or

4) need lessor intensity mental health services that the nursing home is mandated by law to provide.

MO 580-2461 (10-2021) DA-124C ATT. (10-21)



# MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES DIVISION OF REGULATION AND LICENSURE LEVEL ONE NURSING FACILITY PRE-ADMISSION SCREENING FOR MENTAL ILLNESS/INTELLECTUAL DISABILITY OR RELATED CONDITION

Completion of this form is mandatory for all persons applying for	r admission to a Medicaid c	ertified bed to dete	ermine appropriatene	ess of the nursing facility place	ement.	KIN NEW	
1. PERSON'S NAME (LAST, FIRST, MI)	2. DCN	3. SSN		4. DOB	5. SEX	6. RACE	
The transfer to the party of the transfer to the party of	2.0011	0.00				100.100.000	
7. PERSON'S MAILING ADDRESS (STREET, CITY, STATE, 2	ZIP)		8. COUNTY	9. TELEPHONE NUMBE	R		
10. Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?  If yes, would you like to receive information and assistance regarding the agency's veteran services?							
11. NAME AND ADDRESS OF PROPOSED FACILITY  TELEPHONE NUMBER  TELEPHONE NUMBER							
12. CHECK THE APPROPRIATE RESPONSE DESCRIBING THE PERSON'S PRIOR LIVING ARRANGEMENTS  IN OWN HOME OR OTHER NON-INSTITUTIONAL SETTING RESIDENTIAL CARE FACILITY NURSING FACILITY  GROUP HOME  HOSPITAL: (GIVE REASON FOR HOSPITAL ADMISSION HERE)							
SUBMITTING FAC CONTACT	Triana,			TELEPHONE NUMBER			
SECTION B. LEVEL ONE SCREENING CRITE	RIA FOR SERIOUS M	ENTAL ILLN	ESS			09/50	
1. DOES THIS PERSON SHOW ANY SIGNS OR SYMPTOM	IS OF MAJOR MENTAL DIS	ORDER?			SEPOLE II NO CONTROL		
NO YES - LIST HERE:  • GO TO NEXT QUESTION							
2. HAS THIS PERSON EVER BEEN DIAGNOSED AS HAVIN	NG A MAJOR MENTAL DISC	ORDER? YOU MU	IST USE GUIDE #3	ON BACK.			
NO YES - DX:							
3. IS THE PRIMARY REASON FOR NURSING FACILITY PL	ACEMENT DUE TO DEMEN	TIA, INCLUDING	ALZHEIMER'S DISE	EASE OR RELATED DISORD	DER? USE GUIT	DE #4 ON	
BACK.							
☐ NO - IF NO, GO TO THE NEXT QUESTION ☐ YES - IF YES, GIVE DX AND SKIP TO SECTION C #	1 & #2.						
DX:	1.000,0000.						
4. HAS THE PERSON HAD SERIOUS PROBLEMS IN LEVE	L(S) OF FUNCTIONING IN	THE LAST SIX MO	ONTHS? YOU MUS	T USE GUIDE #5 ON BACK	•		
☐ NO ☐ YES • GO TO NEXT QUESTION							
5. HAS THE PERSON RECEIVED INTENSIVE PSYCHIATRIC TREATMENT IN THE PAST TWO YEARS? YOU MUST USE GUIDE #6 ON BACK.							
NO YES GO TO NEXT SECTION (C).							
SECTION C. LEVEL ONE SCREENING CRITERIA FOR INTELLECTUAL DISABILITY OR RELATED CONDITION							
IS THE PERSON KNOWN OR SUSPECTED TO HAVE IN     NO    YES - DX:	TELLECTUAL DISABILITY	THAT ORIGINATE	D PRIOR TO AGE	18?			
GO TO NEXT QUESTION							
2. IS THE PERSON KNOWN OR SUSPECTED TO HAVE A	RELATED CONDITION? YO	OU MUST USE GL	JIDE #7 ON BACK.				
<ul> <li>NO ☐ YES - DX:</li> <li>THIS COMPLETES THE LEVEL I SCREENING. IF YOU CHECKED YES ON #4 OR 5 IN SECTION B, A LEVEL II SCREENING IS INDICATED FOR SERIOUS MENTAL ILLNESS. IF YOU CHECKED YES ON #1 OR 2 IN SECTION C, A LEVEL II SCREENING IS INDICATED FOR INTELLECTUAL DISABILITY OR RELATED CONDITION. GO TO NEXT SECTION (D).</li> </ul>							
SECTION D. SPECIAL ADMISSION CATEGOR	RIES (to be used only	when a Leve	el II Screening	is indicated)			
DOES THE PERSON'S CONDITION QUALIFY HIM/HER FOR				YES			
IF YES, CHECK ONLY ONE OF THE FOLLOWING, IF IT A		GUIDE #8 ON BA	CK.				
1. TERMINAL ILLNESS - expected to result in deat     2. SERIOUS PHYSICAL ILLNESS - severe/end sta		ndition) as listed or	n back.				
3. RESPITE CARE - stays not more than thirty days to provide relief for in-home caregivers.							
<ul> <li>4. EMERGENCY PROVISIONAL ADMISSION - Must be hotlined. Stays not more than 7 days to protect person from serious physical harm to self or others.</li> <li>5. DIRECT TRANSFER FROM A HOSPITAL - stays not more than 30 days for the condition for which the person is currently receiving hospital care.</li> </ul>							
SECTION E. PERMISSION TO PERFORM SCF	THE RESIDENCE OF THE PERSON OF	the condition for t	Which the person is t	New Mark State Control of the Contro			
I HAVE RECEIVED NOTICE THAT I MAY NEED FUR RELEASE OF ANY PERTINENT MEDICAL/PSYCHIAT	THER EVALUATION BE	FORE NURSIN	G FACILITY PLA	CEMENT AND DO HERE LEGALLY AUTHORIZED	BY AUTHOR REPRESENT	IZE THE ATIVES.	
SIGNATURE OF PERSON OR LEGAL GUARDIAN GRANTING CONSENT				X			
WITNESS #1 (IF SIGNED BY MARK)		WITNESS #2 (IF SIGN	ED BY MARK)				
SECTION F. PHYSICIAN'S AUTHORIZATION A	AND SIGNATURE (AI	ways require	d)				
I ATTEST THAT THE INFORMATION ON THIS FORM							
PHYSICIAN'S SIGNATURE, MUST INCLUDE DISCIPLINE, AND LICEN				X			
X MO 580-3374 (10-2021)				^	DA-1	124C (10-21	

**GUIDE #3 -** <u>Major Mental Disorder diagnoses include</u>: Schizophrenia, Schizoaffective Disorder, Delusional Disorder, Major Depressive Disorder, Bipolar Disorder, Panic Disorder, Severe Anxiety Disorder, Somatoform Disorder, Personality Disorder, Anorexia Nervosa.

GUIDE #4 - Alzheimer's Disease: Defined as a dementia with insidious onset with a generally progressive deteriorating course. Diagnoses include Alzheimer's disease with delirium, Alzheimer's disease with delusions, Alzheimer's disease with depression, Major Neurocognitive Disorder, or Alzheimer's disease uncomplicated.

Related Disorder: An organic disorder or condition which manifests itself as a change in the persons' mood, orientation, or behavior. Examples are:

- · Anxiety Disorder due to Another Medical Condition,
- Psychotic Disorder due to Another Medical Condition,
- · Delirium due to General Medical Condition,
- Vascular Neurocognitive Disorder DSM-5.

Also consider other central nervous system conditions that cause progressive deficits in memory or cognition such as:

- · Cerebrovascular disease,
- · Parkinson's disease.
- · Huntington's disease, or
- Systemic conditions that are known to cause dementia (such as hypothyroidism, vitamin B12 deficiency, etc.)

**GUIDE** #5 - <u>Serious Problems in Level of Functioning</u>; Defined as functional limitations in major life activities that would be appropriate for the individual's developmental stage. An individual typically has at least one of the following characteristics on a continuing or intermittent basis:

- Interpersonal functioning individual has serious difficulty interacting appropriately and communicating effectively with other persons; has a possible history of altercations, evictions, firing, fear of strangers, avoidance of interpersonal relationships and social isolation.
- Concentration, persistence and pace Individual has serious difficulty in sustaining focused attention for a long enough period to permit completion of tasks commonly found in work settings or in work-like structured activities occurring in school or home settings; manifests difficulties in concentration; inability to complete simple tasks within an established time period; makes frequent errors; or requires assist in completion of these tasks; and
- Adaptation to change Individual has serious difficulty in adapting to typical changes in circumstances associated with work, school, family, or social interaction; manifests agitation, exacerbated signs and symptoms associated with the mental illness, or withdrawal from the situation, or requires intervention by mental health or judicial system.

#### GUIDE #6 -Intensive Psychiatric Treatment, Defined as:

- inpatient psychiatric hospitalization and/or
- any intensive mental health service provided by mental health professionals that is required to stabilize or maintain a person experiencing major mental disorder. Services may be rendered within their current residence, or the person may be moved to another residential setting. These services are not merely medication changes, weekly counseling sessions or routine outpatient visits.

GUIDE #7 - Intellectual Disability Related Conditions: Defined as related to intellectual disability if it:

- a) results in impairment of general intellectual functioning or adaptive behavior similar to that of intellectual disability, and requires treatment/services similar to intellectual disability; and
- b) occurs before the age of 22; and
- c) is likely to continue indefinitely; and
- d) results in substantial functional limitations in 3 or more major

life activities (see following list):

- · self-care,
- understanding and use of language,
- · learning.
- · mobility.
- · self-direction, and
- · capacity for independent living.

Examples of diagnoses that may qualify as related condition if all criteria "a" through "d" (above) are met:

- · cerebral palsy,
- · epilepsy,
- · head or spinal cord injury,
- autism,
- · severe hearing and visual impairment,
- · multiple sclerosis,
- · spina bifida,
- · muscular dystrophy,
- · orthopedic impairment.

NOTE: Mental illness is not considered a related condition; it is covered under Screening Criteria for Serious Mental Illness.

#### GUIDE #8 - Special Admission Categories:

- TERMINAL ILLNESS. The person has a terminal illness which is expected to result in death in six (6) months or less. (Check Box 2 on Notice to Applicant Form.)
- SERIOUS PHYSICAL ILLNESS. Examples: comatose, ventilator dependent, functioning at brain stem level, or a diagnosis of severe/end stage chronic pulmonary disease, severe/end stage Parkinson's Disease, amyotrophic lateral sclerosis, severe/ end stage congestive heart failure, or end stage renal disease. (Check Box 2 on Notice to Applicant Form.)
- 3. RESPITE CARE. Defined as very brief, finite stays in a Nursing Facility provided for the purpose of relieving family, friends or other primary in-home caregivers with whom the person resides and will continue to reside following the respite stay. If it becomes apparent that the person will stay longer than 30 days, the nursing facility must immediately notify the Division of Regulation & Licensure, COMRU, at COMRU@health. mo.gov, to determine continued stay. (Check Box 3 on Notice to Applicant Form.)
- 4. EMERGENCY PROVISIONAL ADMISSION. An Emergency Admission must be HOTLINED. The admission is for the purpose of protecting the person from serious physical harm to self or others and will not exceed 7 days. If it becomes apparent that the person will stay longer than 7 day, the nursing facility must immediately notify the Division of Regulation & Licensure, COMRU, at COMRU@health.mo.gov, to determine continued stay. (Check box 4 on Notice to Applicant Form.)
- 5. DIRECT TRANSFER FROM A HOSPITAL. There must be physician certification that the person is likely to require less than 30 days of nursing facility services for the condition for which the person is currently receiving hospital care. If it becomes apparent that the person will stay longer than 30 days, the nursing facility must immediately notify the Division of Regulation & Licensure, COMRU, at COMRU@health.mo.gov, to determine continued stay. (Check Box 5 on Notice to Applicant Form.)
  - If none of the special admission categories apply, check Box 1 on Notice to Applicant Form.
  - Forms are available online at https://health.mo.gov/seniors/ nursinghomes/pasrr.php.



### MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES DIVISION OF REGULATION AND LICENSURE LEVEL ONE NURSING FACILITY PRE-ADMISSION SCREENING FOR MENTAL ILLNESS/INTELLECTUAL DISABILITY OR RELATED CONDITION

SECTION A. INDIVIDUAL'S IDENTIFYING	INFORMATION			
NAME (LAST, FIRST, MIDDLE, INITIAL, SUFFIX)				DATE OF BIRTH
DOLL (MEDICALD MINAPER)				SSN NUMBER
DCN (MEDICAID NUMBER)				SSN NOMBEN
RACE		GENDER		
EDUCATION LEVEL				OCCUPATION
SECTION B. INDIVIDUAL'S CONTACT IN	FORMATION			BANKS STATE OF STATE
PREVIOUS RESIDENCE TYPE				
STREET ADDRESS				
CITY	STATE			ZIP CODE
Have you ever served on active duty in the	Armed Forces of the Uni	ted States	and separate	d from such service under
conditions other than dishonorable?				☐ Yes ☐ No
If yes, would you like to receive information	and assistance regarding	ng the ager	ncy's veteran	services?
LEGAL GUARDIAN OR DESIGNATED CONTACT PE	RSON INFORMATION	WIN D		
☐ None ☐ Legal Guardian ☐ De	signated Contact Person			
RELATIONSHIP	FIRST NAME			LAST NAME
E-MAIL				
STREET ADDRESS				
CITY	STATE		ZIP	TELEPHONE
SECTION C. REFERRING INDIVIDUAL C	OMPLETING APPLICAT	ION		
FIRST NAME		LAST NA	ME	
POSITION/TITLE		TYPE O	ENTITY	
NAME OF ENTITY		PHONE	NUMBER	
TAME OF EATH				
EMAIL ADDRESS		FAX NU	MBER	
SECTION D. LEVEL ONE SCREENING C	RITERIA FOR SERIOUS	S MENTAL	ILLNESS	
				☐ Yes ☐ No
Does the individual show any signs or symptom	oms of a Major Mental Iline	SS?		les like
Signs/Symptoms:	N NO 00			
Does the individual have a current, suspecte (DSM) current edition?	d or history of a Major Men	tal Illness as	defined by the	Diagnostic & Statistical Manual of Mental Disorders  Yes No
Schizophrenia	☐ Somatic Sympt	om Disorder		Schizoaffective Disorder
☐ Psychotic Disorder	☐ Anxiety Disorde	er		☐ Major Depressive Disorder
☐ Dysthymic Disorder	100 to 10			☐ Panic Disorder
☐ Conversion Disorder				Personality Disorder
MO 580-2462 (10-2021)		1 OF 3		DHSS-DRL-110 (10-

	☐ Dissociative Identity Disorder	☐ Bipolar Disorder	Mood Disorder			
	Delusional Disorder	Obsessive-Compulsive Disorder	☐ Anorexia Nervosa or other	eating dis	orders	
		□PTSD				
	Other Mental Disorder in the DSM:					
3.	Does the individual have any area of impairment due (Record YES if any of the subcategories below are continuous).	e to serious mental illness? checked)	Yes	☐ No		
	□ None					
	<ul> <li>Interpersonal Functioning:</li> <li>The individual has serious difficulty interacting appropriately and communicating effectively with other persons, has a possible history of altercations, evictions, unstable employment, fear of strangers, avoidance of interpersonal relationship and social isolation.</li> <li>Adaptation to Change:</li> <li>The individual has serious difficulty in adapting to typical changes in circumstances associated with work, school, family or social interactions, agitation, exacerbated signs and symptoms associated with the illness or withdrawal from situations, self-injurious, self-mutilation, suicidal (ideation, gestures, threats or attempts), physical violence or threats, appetite disturbance, delusions, hallucinations, serious loss of interest, tearfulness, irritability or requires intervention by mental health or judicial system.</li> </ul>					
	Concentration/Persistence/and Pace:  The individual has serious difficulty in sustaining focused attention for a long enough period to permit the completion of tasks commonly found in work settings or in work-like structured activities occurring in school or home settings, difficulties in concentration, inability to complete simple tasks within an established time period, makes frequent errors or requires assistance in the completion of these tasks.					
4	Within the last 2 years has the individual: (Record YI	ES if Either/Dath of the two subsetencies below are a	haakad\			
	Experienced one psychiatric treatment episode the a mental health crisis/screening center; has attended to the lintegrated Case Management Services); and/or	nat was more intensive than routine follow-up care (e.g nded partial care/hospitalization or has received Progra	<ul> <li>had inpatient psychiatric care am of Assertive Community Tre</li> </ul>	atment (P.	ACT) or	
	Due to mental illness, experienced at least one e functioning while living in the community or interv	pisode of significant disruption to the normal living situ	ation requiring supportive servi	ices to ma	intain	
Ch	neck yes, if treatment history for the past two years is prious mental illness.		appropriate to consider individu	ual positive	for	
5.	Does the individual have a substance related disorder No Yes	er?				
	Is the need for a skilled nursing facility placement as   No Yes	ssociated with substance abuse?				
	When did the most recent substance abuse occur?  N/A 1-30 days 31-90 days U	inknown				
6.	Does the individual have a diagnosis of Major Neuro	ocognitive Disorder (MNCD) i.e., dementia or Alzheime	r's?	Yes	П No	
	Were any of the following criteria used to establish the		□ N/A	□Yes	□No	
	Standardized Mental Status Exam (t		Score			
	Neurological Exam	bate completed	Score	-		
	History and Symptoms					
	Other Diagnostics: Specify					
	Has the Physician documented MNCD as the primar a co-occurring mental illness diagnosis? (Provide do	ry diagnosis OR that MNCD is more progressed than ocumentation if answered yes)	□ N/A	Yes	□No	
S	ECTION E. LEVEL ONE SCREENING CRITER	IA FOR INTELLECTUAL DISABILITY OR REL	ATED CONDITION	NOT 251		
	Is the individual known or suspected to have a diagr	THE RESIDENCE OF THE PARTY OF THE PERSON NAMED OF THE PARTY OF THE PAR	E CHICLEGO DE CONTROL	☐Yes	□No	
	If Yes, indicated diagnosis:					
2a	a. Does the individual have a suspected diagnosis or h	nistory of a Related Condition?		Yes	☐ No	
	Autism	Paraplegia	Cerebral Palsy (CP)			
	Epilepsy/Seizure/Convulsions		Head Injury/Traumatic Bra	in Injury (	TBI)	
	Down Syndrome		Spina Bifida			
	Prader-Willi Syndrome		☐ Deaf or Blind			
	☐ Muscular Dystrophy		☐ Fetal Alcohol Syndrome			

☐ Quadriplegia						
Other Related Conditions:						
2b. Did the Other Related Condition develop before age	755000	□ N/A	Unknown	□Yes	□No	
Age/Date:						
(Please provide the date/age of onset for each Rela	ated Condition Indicated)					
2c. Likely to continue indefinitely?		□ N/A		Yes	☐ No	
2d. Results in substantial functional limitation in three or	more major life activities (Impacted prior to the age of 2	22)?				
☐ No Functional Limitations	Self-Care					
Capacity for Independent Living	Mobility					
☐ Learning ☐ Self-Direction	Understanding and Use of Language					
SECTION F. SPECIAL ADMISSION CATEGORIE		ON CHARLES	Charteston	TO WAR	7 3 1 1 1	
1 — Terminal Illness		NAME OF TAXABLE PARTY.			The second party of	
Expected to result in death in six months o	rless					
Diagnosis:						
Currently on Hospice: Yes (Provide hos	pice order) No					
2 — Serious Physical Illness						
Severe/end stage disease (or physical con	dition)					
Diagnosis:						
3 — Respite Care						
Stays not more than thirty (30) days to provide relief for in-home caregivers						
The client is going to be short term:   Yes  No						
Reason for Respite Care:						
4 — Emergency Provisional Admission						
	avs to protect person from serious physical harm to sell	f and others				
Mar 100 Mar 10	e and Neglect Hotline (1-800-392-0210 or https://apps-		_Portal/)			
Reason for Hotline:						
5 — Direct Transfer from a Hospital						
Stays not more than thirty (30) days for the condition for which the person is currently receiving hospital care.						
Must include the hospital history and physical						
The client is going to be short term: Yes No						
Reason for Transfer:						
What is the plan after 30 days?						
SECTION G. PHYSICIAN'S AUTHORIZATION AND SIGNATURE						
I attest that the information on these forms is complete and correct as known to me.						
Applicant is not currently a danger to self and others Applicant is currently a danger to self and others						
PHYSICIAN SIGNATURE		DATE				
DISCIPLINE		LICENSE NUM	BER			

AUTHORITY: sections 192.006, 192.2000, and 198.079, RSMo 2016. This rule was previously filed as 13 CSR 40-81.084 and 13 CSR 15-9.030. Original rule filed Aug. 9, 1982, effective Nov. 11, 1982. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 15, 2021, effective Oct. 29, 2021, expires April 26, 2022. Amended: Filed Oct. 15, 2021.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions forty nine million six hundred eighty-one thousand one hundred seventy-seven dollars (\$49,681,177) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Carmen Grover-Slattery, Regulation Unit Manager, Section for Long-Term Care Regulation, PO Box 570, Jefferson City, MO 65102-0570 or at RegulationUnit@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### FISCAL NOTE PUBLIC COST

I. Department Title: Department of Health and Senior Services

Division Title: Division of Regulation and Licensure

**Chapter Title: Certification** 

Rule Number and Name:	19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants	
Type of Rulemaking:	Proposed Amendment	

#### II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
(1) Department of Health and Senior Services (DHSS), Division of Senior and Disability Services	\$49,681,177 annually until federal funds appropriated to DHSS have been expended
TOTAL COSTS =	\$49,681,177 annually until federal funds appropriated to DHSS have been expended

#### III. WORKSHEET

3,154 (individuals who will qualify under the old level-of-care assessment annually) X \$1,312.65 (average monthly costs for Home and Community Based services) X 12 months = \$49,681,177 annually until all of the funds from the temporary enhanced federal medical assistance percentage from the American Rescue Plan Act of 2021 that has been appropriated to the Missouri Department of Health and Senior Services has been expended by the Missouri Department of Health and Senior Services.

#### IV. ASSUMPTIONS

The section for long-term care does not anticipate that there will be any individuals qualifying under the old level-of-care assessment added back into 19 CSR 30-81.030(8) because most, if not all, individuals will qualify under the new level-of-care assessment in 19 CSR 30-81.030(5) which increased the level-of-care categories and lowered the required number of points to meet level-of-care in order to be determined as eligible for Title XIX-funded long-term care services.

The Division of Senior and Disability Services estimates that approximately 3,154 individuals will qualify annually under the old level-of-care assessment added back into 19 CSR 30-81.030(8). The average cost for individuals receiving Home and Community Based Services in 2021 is \$1,312.65 per month.

The money to pay for these Home and Community Based services will come from the temporary enhanced federal medical assistance percentage from the American Rescue Plan Act of 2021. The Missouri legislature will have to appropriate this federal funding to the Missouri Department of Health and Senior Services to be utilized for Home and Community Based services. This annual cost will continue until all of the funds from the temporary enhanced federal medical assistance percentage from the American Rescue Plan Act of 2021 that has been appropriated to the Missouri Department of Health and Senior Services has been expended by the Missouri Department of Health and Senior Services.

# Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2010—Missouri State Board of Accountancy Chapter 2—General Rules

#### PROPOSED RULE

#### 20 CSR 2010-2.100 Foreign Corporations

PURPOSE: This rule clarifies the statutes pertaining to foreign corporations practicing public accounting in Missouri.

- (1) A foreign professional corporation which meets the definition of section 356.021(2), RSMo, may apply for a CPA firm permit.
- (2) Applicants for a firm permit as a foreign professional corporation shall provide to the board—
- (A) A completed application for a CPA firm permit with all required fees;
- (B) A copy of the most recent articles of incorporation (or amendment) on file with the secretary of state of the applicant's home state which states the applicant is a professional corporation;
- (C) The certificate of corporation issued by the secretary of state from the applicant's home state which demonstrates the business is eligible to practice as a professional corporation; and
- (D) Any additional information or documentation as the board may request.
- (3) Within thirty (30) days of issuance of the permit, the firm shall provide the board with verification that the firm is registered with the Missouri secretary of state's office.
- (4) General business corporations are not eligible for a CPA firm permit.

AUTHORITY: sections 326.262 and 356.041, RSMo 2016, and section 326.289, RSMo Supp. 2021. Original rule filed Oct. 5, 2021.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at 573-751-0012, or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

# Title 20—DEPARTMENT OF COMMERCE AND INSURANCE Division 2040—Office of Athletics Chapter 2—Licenses and Permits

#### PROPOSED AMENDMENT

20 CSR 2040-2.021 Permits. The office is amending section (2).

PURPOSE: This rule is being amended to increase the permit fees for all events to match the permit fee charged for a professional wrestling event. The fee increase is necessary to ensure the office has sufficient revenue to offset the cost of regulation. (2) Fees for professional boxing, professional and amateur kickboxing, professional full-contact karate, **professional wrestling**, professional mixed martial arts, and amateur mixed martial arts permits are [twenty-five dollars (\$25) per contest per day. Professional and amateur combined events permit fee is twenty-five dollars (\$25) per contest per day. Fees for wrestling permits] are one hundred fifty dollars (\$150) per contest per day.

AUTHORITY: sections 317.006 and 317.011.1, RSMo Supp. [2018] 2021. This rule originally filed as 4 CSR 40-2.021. Original rule filed April 30, 1982, effective Sept. 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 15, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities three thousand eight hundred seventy-five dollars (\$3,875) annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Athletics, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-5649, or via email at athletic@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### PRIVATE FISCAL NOTE

#### I. RULE NUMBER

Title 20 - Department of Commerce and Insurance Division 2040 - Office of Athletics Chapter 2—Licenses and Permits Proposed Amendment to 20 CSR 2040-2.021 Permits

#### II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated costs for the life of the rule by affected entities:
9	Boxing (Permit Fee Increase @ \$125)	\$1,125
22	MMA (Permit Fee Increase @ \$125)	\$2,750
0	Wrestling (Permit Fee Increase @ \$125)	\$0
	Estimated Annual Costs for the Life of the Rule	

#### III. WORKSHEET

See Table Above

#### IV. ASSUMPTION

- 1. The above figures are based on FY21 actual costs and FY22 estimates.
- 2. The director is statutorily obligated to enforce and administer the provisions of sections 317.001 to 317.021, RSMo. Pursuant to section 317.006, RSMo, the fees shall be set at an amount which shall not be more than that required to administer sections 317.001 to 317.021.
- 3. It is anticipated that the total fiscal costs will occur beginning in FY23, will occur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

# Title 20—DEPARTMENT OF COMMERCE AND INSURANCE Division 2245—Real Estate Appraisers Chapter 10—Appraisal Management Company

#### PROPOSED AMENDMENT

20 CSR 2245-10.010 Appraisal Management Company Application Requirements. The commission is amending subsection (3)(D).

PURPOSE: This amendment removes the more than ten percent (10%) ownership requirement.

- (3) The initial application submitted by the appraisal management company shall include the following certifications:
- (D) That the AMC has reviewed each person or entity that owns [more than ten percent (10%) of the AMC and no person or entity owning more than ten percent (10%) of the AMC] any percentage of the company and determined that no person or entity has held a license or certificate that was refused, denied, cancelled, revoked, or surrendered in lieu of revocation.

AUTHORITY: sections [43.543,] 339.509, [339.511,] 339.513, and 339.544, RSMo 2016, and sections 43.543 and 339.511, RSMo Supp. 2021. Original rule filed Nov. 13, 2012, effective June 30, 2013. Amended: Filed Nov. 9, 2017, effective May 30, 2018. Amended: Filed Oct. 5, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-3489, or via email at reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*, an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the Missouri Register begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

#### Title 9—DEPARTMENT OF MENTAL HEALTH Division 10—Director, Department of Mental Health Chapter 5—General Program Procedures

#### ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department amends a rule as follows:

#### 9 CSR 10-5.210 Exceptions Committee Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2021 (46 MoReg 1452-1453). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

# Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Safe Drinking Water Commission Chapter 5—Laboratory and Analytical Requirements

#### ORDER OF RULEMAKING

By the authority vested in the Department's Safe Drinking Water Commission under section 640.100, RSMo 2016, the commission amends a rule as follows:

10 CSR 60-5.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2021 (46 MoReg 931-932). Those sections with changes are reprinted here. This proposed amendment becomes effective December 30, 2021, after publication in the November 30, 2021 *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held July 7, 2021, and the public comment period ended July 15, 2021. At the public hearing, staff from the Department's Public Drinking Water Branch provided testimony on the proposed amendment. The department received two (2) comments during the public comment period.

COMMENT #1: Section (1), during printing in the *Missouri Register*, a comma was inadvertently added to the rule language after the word "order." The Secretary of State's Office commented that the comma should be removed.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comment and, as a result of this comment, has amended the rule to remove the inadvertent comma.

COMMENT #2: During the public hearing on July 7, 2021, staff from the Department's Public Drinking Water Branch provided testimony citing the need to change the publication date of the Code of Federal Regulations, for each instance of incorporation by reference in the rule, from July 1, 2020, to July 1, 2021. Staff commented this change was necessary to incorporate recent amendments the U.S. Environmental Protection Agency made to the Code of Federal Regulations to add 17 new drinking water analytical methods through a direct final rule published in the Federal Register on May 26, 2021 (86 FR 28277). Staff reiterated the language from the Federal Register in their testimony that this change would provide a benefit to public water systems, laboratories, and primacy agencies by allowing more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection. Staff also commented that because the intention of the proposed amendment was to update the regulation with the most recent federally approved analytical methods, this change to incorporate the new methods was within the scope of the proposed rulemaking.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the comments provided by the Department's Public Drinking Water Branch and has revised the amendment as a result of the comments to update the publication date of the *Code of Federal Regulations* in each instance it is incorporated by reference in the rule from July 1, 2020, to July 1, 2021.

# 10 CSR 60-5.010 Acceptable and Alternate Procedures for Analysis

- (1) Inorganic and Secondary Contaminants. Unless substitute methods are approved by the U.S. Environmental Protection Agency (EPA), analysis shall be conducted in accordance with the inorganic and secondary contaminant analytical methods in paragraphs 40 CFR 141.23(k)(l) and 40 CFR 143.4(b) of the July 1, 2021, *Code of Federal Regulations*, which are incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (2) Organic Contaminants. Unless substitute methods are approved

- by the EPA, analysis shall be conducted in accordance with the organic contaminant analytical methods in paragraph 40 CFR 141.24(e) of the July 1, 2021, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (3) Microbiological Contaminants and Turbidity. Unless substitute methods are approved by EPA, analysis shall be conducted in accordance with the microbiological contaminant and turbidity analytical methods in 40 CFR 141.21(f), 40 CFR 141.74(a)(1), 40 CFR 141.704(a), and 40 CFR 141.852 of the July 1, 2021, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (4) Radiological Contaminants. Unless substitute methods are approved by the EPA, analysis shall be conducted in accordance with the radiological contaminant analytical methods in paragraphs 40 CFR 141.25(a) and (b) of the July 1, 2021, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (5) Disinfection Byproducts, Residual Disinfectant Concentrations, and Disinfection Byproduct Precursors. Unless substitute methods are approved by the EPA, analysis shall be conducted in accordance with the disinfection byproduct, residual disinfectant concentration, and disinfection byproduct precursor analytical methods in 40 CFR 141.74(a)(2) and 40 CFR 141.131 of the July 1, 2021, Code of Federal Regulations, which is incorporated by reference in this rule. This does not include later amendments or additions. The Code of Federal Regulations as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (6) Sample collection for the contaminants referenced in this rule must be conducted using the sample preservation, container, and maximum holding time procedures specified in the following procedures, which are incorporated by reference, or in accordance with procedures contained in the appropriate analytical method. The incorporation by reference does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (A) Inorganic contaminant sample collection procedures in 40 CFR 141.23(k)(2) of the July 1, 2021, *Code of Federal Regulations* are incorporated by reference.
- (7) The department may reduce the total number of samples a system must analyze by allowing the use of compositing. Compositing shall be conducted according to the following procedures, which are incorporated by reference. The incorporation by reference does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and

- fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (A) Sample compositing procedures for inorganic contaminants in 40 CFR 141.23(a)(4) of the July 1, 2021, *Code of Federal Regulations* are incorporated by reference.
- (B) Sample compositing procedures for volatile organic contaminants in 40 CFR 141.24(f)(14) of the July 1, 2021, *Code of Federal Regulations* are incorporated by reference.
- (C) Sample compositing procedures for synthetic organic contaminants in 40 CFR 141.24(h)(10) of the July 1, 2021, *Code of Federal Regulations* are incorporated by reference.
- (D) Sample compositing procedures for radiological contaminants in 40 CFR 141.26(a)(4) of the July 1, 2021, *Code of Federal Regulations* are incorporated by reference.
- (E) Sample compositing procedures for lead and copper in 40 CFR 141.88(a)(1)(iv) of the July 1, 2021, *Code of Federal Regulations* are incorporated by reference.

#### (8) Detection Limits.

- (A) Detection limits for inorganic contaminants in 40 CFR 141.23(a)(4)(i) of the July 1, 2021, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (B) Practical Quantitation Levels (PQL) for lead and copper in 40 CFR 141.89(a)(1)(ii)(A) and (B) of the July 1, 2021, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (C) Detection limit for volatile organic contaminants in 40 CFR 141.24(f)(7) of the July 1, 2021, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (D) Detection limits for synthetic organic contaminants in 40 CFR 141.24(h)(13)(ii) and 141.24(h)(18) of the July 1, 2021, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (E) Detection limits for radiological contaminants in 40 CFR 141.25(c) of the July 1, 2021, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.
- (F) Detection limits for disinfection byproducts in 40 CFR 141.64 of the July 1, 2021, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

(9) Analytical Methods for Source Water Monitoring. Unless substitute methods are approved by the department, analysis shall be conducted in accordance with the analytical methods in 40 CFR 141.402(c) of the July 1, 2021, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* as published by the U.S. Government Publishing Office available at http://bookstore.gpo.gov/ or for mail orders, print and fill out the order form online and mail to U.S. Government Publishing Office, PO Box 979050, St. Louis, MO 63197-9000.

#### Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Safe Drinking Water Commission Chapter 5—Laboratory and Analytical Requirements

#### ORDER OF RULEMAKING

By the authority vested in the Department's Safe Drinking Water Commission under section 640.100, RSMo 2016, the commission amends a rule as follows:

#### 10 CSR 60-5.020 Laboratory Certification is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2021 (46 MoReg 932-934). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective December 30, 2021, after publication in the November 30, 2021 *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held July 7, 2021, and the public comment period ended July 15, 2021. At the public hearing, staff from the Department's Public Drinking Water Branch provided testimony on the proposed amendment. The department received two (2) comments on this amendment.

COMMENT #1: Mark Winters, Associated Laboratories, asked if there was a cost associated with getting the performance evaluation samples since the U.S. Environmental Protection Agency (EPA) is not providing them.

RESPONSE: The rulemaking will not create an additional cost for laboratories to obtain performance evaluation samples beyond the cost they presently incur to demonstrate they meet the proficiency requirements of the rule. The EPA privatized the performance evaluation program with a notice in the *Federal Register* in 1997. Since that time, laboratories seeking certification have been required to obtain their proficiency evaluation samples from an accredited provider at their own cost. This rulemaking amends the language of the rule to reflect the appropriate source of these samples for clarity to the regulated community. No changes are being made to this amendment as a result of this comment.

COMMENT #2: Mark Winter, Associated Laboratories, asked "Do we have to submit the results of the audit? This isn't very clear." RESPONSE: For laboratories located in Missouri, Certification Officers from the Department's Environmental Services Program or the Department of Health and Senior Services will schedule and perform the audits of the laboratory seeking certification upon receipt of a complete application. The Certification Officers will provide the Department's Certifying Authority with the status of the audit when they make their recommendation regarding certification of the laboratory, which will fulfill the requirement of subsection (1)(B). For an out-of-state laboratory seeking certification from the department by reciprocity, it is required for the laboratory to submit documentation of a successful audit from the appropriate certifying authority as part of their application for certification. For reciprocity, the department

relies on the local certifying authority's audit to demonstrate the laboratory meets the requirements for certification. The amendment specifies this requirement in subsection (1)(B). No changes have been made to this amendment as a result of this comment.

#### Title 10—DEPARTMENT OF NATURAL RESOURCES Division 60—Safe Drinking Water Commission Chapter14—Operator Certification

#### ORDER OF RULEMAKING

By the authority vested in the Department's Safe Drinking Water Commission under section 640.100, RSMo 2016, the commission amends a rule as follows:

## 10 CSR 60-14.020 Certification of Public Water System Operators is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2021 (46 MoReg 935). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective December 30, 2021, after publication in the November 30, 2021 *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held July 7, 2021, and the public comment period ended July 15, 2021. At the public hearing, staff from the Department's Public Drinking Water Branch provided testimony on the proposed amendment. No comments were received.

# Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 20—Hospitals

#### ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 192.006 and 338.165, RSMo 2016, and section 197.080, RSMo Supp. 2021, the department amends a rule as follows:

# **19 CSR 30-20.100** Pharmacy Services and Medication Management **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2021 (46 MoReg 1456-1458). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Licensure and Regulation within the Department of Health and Senior Services received one (1) written comment on the proposed amendment.

COMMENT #1: David Braasch, the President of Alton Memorial Hospital and the Chairman of BJC Pharmacy Leadership Council of BJC HealthCare in St. Louis submitted a written comment urging the Division to finalize the rule as proposed. Mr. Braasch noted that the allowance of both expanded delegation of pharmacy duties and remote product verification by, and remote supervision of, pharmacy techs will permit additional time for pharmacists to function at a high level in areas such as clinical program support and patient/provider education. Mr. Braasch further noted that the proposed guardrails

around these new permissions will ensure continued high levels of medication accuracy and patient safety and satisfaction.

RESPONSE: No changes have been made to the amendment as a result of this comment.

## Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 84—Training Program for Nursing Assistants

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 198.009 and 198.079, RSMo 2016, and section 198.082, RSMo Supp. 2021, the department amends a rule as follows:

#### 19 CSR 30-84.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2021 (46 MoReg 1306-1333). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Health and Senior Services received six (6) internal department comments and one (1) electronic mail correspondence with five (5) comments on the proposed amendment.

COMMENT #1: Angela Duvall, a Registered Nurse Manager for the department, commented the DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record form, incorrectly identified Skills #2, "Take axillary temperature," as a simulation. Ms. Duvall commented that Skill #2 is considered a care task which should be performed as a clinical practice skill and that prior to the form being revised it was never listed as a simulation skill.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and finds this error to be an oversight and not a substantive change. The department has revised Skill #2 to show it as a performed task versus a simulation to correct the typographical error.

COMMENT #2: Brenda A. Todd, RN and CNA/CMT Instructor for Systems Services, Inc., commented the DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record form, incorrectly showed Skill #13, "Clear airway obstruction in conscious resident," as a task that the CNA must perform instead of a simulation on the task.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and finds this error to be an oversight and not a substantive change. The department has revised Skill #13 to show it as a simulation versus a performed task to correct the typographical error.

COMMENT #3: Brenda A. Todd, RN and CNA/CMT Instructor for Systems Services, Inc., commented the DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record form, incorrectly showed Skill #15, "Thickened Liquids," as a simulated task instead of a performed task.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and finds this error to be an oversight and not a substantive change. The department has revised Skill #15 to show it as a performed task versus a simulation to correct the typographical error.

COMMENT #4: Brenda A. Todd, RN and CNA/CMT Instructor for Systems Services, Inc., commented the DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record form, showed Skill #22, "Administer oral hygiene to resident that requires" needs further description, such as what type of resident, unconscious or one requiring limited assistance.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended Skill #22 by adding the word "assistance" after "requires" for clarification purposes.

COMMENT #5: Brenda A. Todd, RN and CNA/CMT Instructor for Systems Services, Inc., commented the DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record form, showed Skill #42, "Discuss pressure relieving devices," as a physical task but it should be a simulation.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and finds this error to be an oversight and not a substantive change. The department has revised Skill #42 to show it as a simulation versus a performed task to correct the typographical error.

COMMENT #6: Brenda A. Todd, RN and CNA/CMT Instructor for Systems Services, Inc., commented the DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record form, Skill #61 "Range of Motion neck and shoulders," showing as a task concerning as range of motion to the neck is not advisable.

RESPONSE: Range of motion (ROM) exercises to all joints prevent contractures which the residents are at risk for due to decreased mobility. ROM instruction will help educate students on the importance of any movement to a joint including the neck and shoulders. No changes were made as a result of this comment.

COMMENT #7: Carmen Grover-Slattery, Regulation Unit Manager, Division of Regulation and Licensure - Section for Long-Term Care Regulation, commented that additional commas are needed in the purpose statement, paragraph (6)(A)1., and sections (17)(C) and (E) of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and commas have been added.

COMMENT #8: Carmen Grover-Slattery, Regulation Unit Manager, Division of Regulation and Licensure - Section for Long-Term Care Regulation, commented that a hyphen should be removed in paragraph (9)(A)1., after "(100)".

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and the hyphen has been removed.

COMMENT #9: Carmen Grover-Slattery, Regulation Unit Manager, Division of Regulation and Licensure - Section for Long-Term Care Regulation, commented that "and Workforce Development" and "WD" should be added in paragraph (9)(A)2. to reflect the agency's current name of Missouri Department of Higher Education and Workforce Development (MDHEWD).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and the title has been corrected in paragraph (9)(A)2. and also in paragraph (14)(A)2.

COMMENT #10: Carmen Grover-Slattery, Regulation Unit Manager, Division of Regulation and Licensure - Section for Long-Term Care Regulation, commented that a comma should be removed in paragraph (12)(A)5.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and the comma has been removed.

COMMENT #11: Carmen Grover-Slattery, Regulation Unit Manager, Division of Regulation and Licensure - Section for Long-Term Care Regulation, commented that periods should be changed to semicolons in subparagraphs (17)(B)6.A. and B. and the word "and" added after the semicolon in subparagraph (17)(B)6.B.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and the changes have been made.

#### 19 CSR 30-84.010 Nursing Assistant Training Program

PURPOSE: The Omnibus Nursing Home Act mandates in section

198.082, RSMo, that nursing assistants employed in skilled nursing and intermediate care facilities complete an approved training program. This rule gives information regarding the purpose of the training program, required objectives and curriculum content, designates what is the approved course curriculum, and indicates the training locations and testing which are required for a program to be considered approved.

#### (6) Student Enrollment and Qualifications.

- (A) Any individual who is employable by an intermediate care facility (ICF) or skilled nursing facility (SNF) to be involved in direct resident care shall be eligible to enroll in a training agency's nursing assistant training program if-
- 1. The individual is at least eighteen (18) years of age and employable. Employable shall mean that the individual is not listed on the department's Employee Disqualification List (EDL) and has not been convicted or entered a plea of guilty to a misdemeanor or felony charge which includes any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole in this state or any other state which if committed in Missouri would be a class A or B felony violation of Chapters 565, 566, or 569, RSMo, or any violation of subsection 198.070.3, RSMo, or section 568.020, RSMo, unless a good cause waiver has been granted by the department; or
- 2. The individual is at least sixteen (16) years of age providing he or she is-
- A. Currently enrolled in a secondary school health services occupation program or a cooperative work education program of an area vocational technical school or comprehensive high school;
- B. Placed for work experience in an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospital-based skilled nursing facility by that program;
- C. Not listed on the department's EDL and has not been convicted or entered a plea of guilty to a misdemeanor or felony charge which includes any suspended imposition of sentence, any suspended execution of sentence, or any period of probation or parole in this state or any other state which if committed in Missouri would be a class A or B felony violation of Chapters 565, 566, or 569, RSMo, or any violation of subsection 198.070.3, RSMo, or section 568.020, RSMo, unless a good cause waiver has been granted by the department: and
- D. Under the direct supervision of an instructor or clinical supervisor, or both, while completing the clinical portion of the course.

#### (9) Training Agency Responsibilities.

- (A) The following entities are eligible to apply to the department to be an approved training agency:
- 1. Career Center schools and comprehensive high schools approved by the Missouri Department of Elementary and Secondary Education (DESE) that offer health service occupation programs which have a practice classroom and equipment used in delivering health care. There shall be a signed written agreement of cooperation with one (1) or more ICFs, SNFs, hospitals, Missouri Veterans' Homes, or hospital-based nursing facilities or hospital-based skilled nursing facilities in their vicinity for the one hundred (100) hours of supervised on-the-job training component of the basic course;
- 2. Public community colleges, public colleges and universities, proprietary schools, or private agencies approved by the Missouri Department of Higher Education and Workforce Development (MDHEWD) or accredited by a recognized accrediting agency or association on the list published by the Secretary of the United States Department of Education, pursuant to the Higher Education Act of 1965, the Higher Education Opportunity Act 2008 (Public Law 110-315), and the Veterans' Readjustment Assistance Act which have a practice laboratory with one (1) or more bed units and equipment used in delivering health care and have a signed written agreement of cooperation with one (1) or more ICFs, SNFs, hospitals, Missouri

- Veterans' Homes, or hospital-based nursing facilities or hospitalbased skilled nursing facilities in their vicinity for the one hundred (100) hours of supervised on-the-job training component of the basic
- 3. Associations as defined in section (1) of this rule. There shall be a signed written agreement of cooperation with an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospital-based skilled nursing facility to provide the one hundred (100) hours of supervised on-the-job training;
- 4. A licensed ICF, SNF, or a hospital-based nursing facility or hospital-based skilled nursing facility. There shall be a signed written agreement of cooperation with an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospitalbased skilled nursing facility if the one hundred (100) hours of supervised on-the-job training is not provided on-site;
- 5. Licensed hospitals. There shall be a signed written agreement of cooperation with an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospital-based skilled nursing facility if the one hundred (100) hours of supervised on-the-job training is not provided on site; or
- 6. Missouri Veterans' Homes. There shall be a signed written agreement of cooperation with an ICF, SNF, hospital, Missouri Veterans' Home, or a hospital-based nursing facility or hospitalbased skilled nursing facility if the one hundred (100) hours of supervised on-the-job training is not provided on site.

#### (12) Qualifications of Instructors, Clinical Supervisors, and Examiners.

- (A) Instructor.
- 1. An instructor shall be currently licensed as a RN in Missouri or shall hold a current temporary permit from the Missouri State Board of Nursing or shall hold a multi-state or single state RN license from a jurisdiction that is party to the Nurse Licensure Compact. The licensee shall not be subject of current disciplinary action, such as censure, probation, suspension, or revocation.
  - 2. An instructor shall not be listed on the department's EDL.
- 3. An individual that has been previously disqualified as an instructor shall not function as an instructor unless he or she receives written approval from the department.
- 4. An instructor shall have had, at a minimum, two (2) years of nursing experience and at least one (1) year of experience in the provision of long-term care facility services in the last ten (10) years. Other personnel from the health professions may assist the instructor; however, they shall have at least one (1) year of experience in their field.
- 5. An instructor shall successfully complete a Nursing Assistant Instructor Workshop by a certifying agency using qualified instructors. The department shall issue a letter of approval to the qualified instructor after the individual has successfully completed the workshop. The department shall maintain a list of approved instructors.
- 6. An instructor shall be responsible to teach the seventy-five (75) hours of instructional training for the basic course and a minimum of sixteen (16) of the one hundred (100) hours of supervised onthe-job training in accordance with the requirements contained in this
- 7. The instructor teaching the seventy-five (75) hours of instructional training and/or sixteen (16) of the one hundred (100) hours of supervised on-the-job training for the basic course shall complete and sign all applicable portions of either form MO 580-2473 (12-07) Certified Nurse Assistant Competency Score Sheet (For Use Only With The 2001 Manual) Appendix A/B for training agencies using the basic course content outlined in paragraphs (5)(A)1. and 2. or form DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record for training agencies using the basic course content outlined in paragraphs (5)(B)1. and 2. for each student participating in the program.
- 8. An instructor shall provide to the student within seven (7) calendar days of successful completion of the seventy-five (75) hours of instructional training and one hundred (100) hours of supervised

on-the-job training, either completed form MO 580-2473 (12-07) Certified Nurse Assistant Competency Score Sheet (For Use Only With The 2001 Manual) Appendix A/B for training agencies using the basic course content outlined in paragraphs (5)(A)1. and 2. or form DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record for training agencies using the basic course content outlined in paragraphs (5)(B)1. and 2.

- 9. If the course is not completed, records and documentation regarding the completed portions shall be provided by the instructor to the student, if requested, and to the training agency.
- (14) Training and Certifying Agency Disqualification Criteria.
- (A) Causes for Disqualification. The department may disqualify a training agency or certifying agency if it is found that an agency failed to follow the requirements in section (9) for a training agency or section (10) for a certifying agency of this rule or—
- 1. Defrauded a student by taking payment and not ensuring the seventy five (75) hours instructional training or on-the-job training were completed as required by this rule; or
- 2. Failed to maintain approval from MDHEWD or DESE, if applicable.

#### (17) Final Examination Testing.

- (B) If the course content outlined in paragraphs (5)(A)1. and 2. of this rule is used for teaching the basic course, the final examination shall be conducted by an approved examiner who may be assisted by the instructor using the following procedures:
- 1. The instructor will select an LTC resident to participate in the testing process and obtain approval for this activity from the resident;
- 2. The examiner shall verify the eligibility of the students by reviewing form MO 580-2473 (12-07) Certified Nurse Assistant Competency Score Sheet (For Use Only With The 2001 Manual) Appendix A/B to establish that the student has completed the approved training program or possesses an approval letter from the department granting approval to challenge the final examination;
- 3. The student shall successfully complete at least nine (9) procedures under the observation of the instructor or a facility licensed nurse and examiner.
- A. The nine (9) procedures shall always include a type of bath, vital signs (temperature, pulse, respirations, and blood pressure), transfer techniques, feeding techniques, dressing and grooming, skin care, active or passive, range of motion to upper and lower extremities (unless contraindicated by a physician's order), and handwashing and gloving from the standardized curriculum.
- B. The remainder shall be selected according to the resident's care needs at the time of day that testing occurs.
- C. The evaluation of the student shall include communication and interaction with the resident, provision of privacy, work habits, appearance, conduct, and reporting and recording skills;
- 4. The student shall successfully answer forty (40) out of fifty (50) oral or written questions presented by the examiner based on the standardized curriculum and selected from a specific test pool of questions which are safeguarded by the department;
- 5. The examiner who uses the basic course content outlined in paragraphs (5)(A)1. and 2. of the basic course for the final examination shall notify the department and obtain different examinations to be administered each time; and
- 6. The examiner who uses the basic course content outlined in paragraphs (5)(A)1. and 2. of the basic course for the final examination shall conduct the following:
- A. Complete and sign form MO 580-2473 (12-07) Certified Nurse Assistant Competency Score Sheet (For Use Only With The 2001 Manual) Appendix A/B and the final examination score sheet which shall include scores and comments. The examiner shall advise the individual that successful completion of the evaluation will result in the addition of his/her name to the CNA Registry;
- B. After scoring, the examiner shall return all test materials, test booklets, answer sheets, and any appendices to the department.

The examiner shall also provide the training agency with documentation of the student's test scores; and

- C. A copy of the student's final record sheets shall be provided to the student (except for the answer sheets). If the course is not completed, records and documentation regarding the portions completed shall be provided to the student, if requested, and to the training agency.
- (C) If the basic course content outlined in paragraphs (5)(B)1. and 2. of this rule, is used to teach the course, testing shall comply with the following:
- 1. The instructor shall verify the eligibility of the students by reviewing form DHSS-DRL-111 (08-20), Classroom and On-the-Job Training Record, to establish that the student has completed the approved program;
- 2. The final examination shall be conducted by the department approved third party test administrator and a fee will be assessed for each examination;
- 3. The student shall successfully complete an examination proctored by the department approved third party test administrator. The student shall achieve a passing score of at least eighty percent (80%); and
- 4. The student shall successfully complete the skills evaluation portion of the examination proctored by the department approved third party test administrator. The student shall achieve a score of one hundred percent (100%).
- (E) Any individual who is employed by a LTC facility and required by section 198.082, RSMo, to enroll in the program, but who has been permitted to challenge the final examination and who fails the examination, must immediately re-enroll in and begin study in the next available basic course. The individual shall complete the basic course within four (4) months of employment.

DHSS-DRL-111 (08-20)

# MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES DIVISION OF REGULATION AND LICENSURE SECTION FOR LONG-TERM CARE REGULATION CLASSROOM AND ON-THE-JOB TRAINING RECORD

		(7) STUDENT PHONE NO.	N DATE (8D) COMPLETED INSTRUCTIONAL TRAINING	ON DATE (9D) COMPLETED OUT HRS	(10C) COMPLETION DATE 84 OUT HOURS	(118) APPROVED (11B) NOT APPROVEE FOR FINAL EXAM						(18A) LICENSE NO.   (18B) LAST NAME	(20A) LICENSE NO. (20B) LAST NAME
			(8C) COMPLETION DATE	(9C) COMPLETION DATE	(10C) COMPLETI	(u	(12B) LAST NAME	(13B) LAST NAME	(14B) LAST NAME	(15B) LAST NAME	(16B) LAST NAME	HRS OJT	E - 84 HRS OJT
(2) FORMER NAMES USED	(4) STUDENT E-MAIL	(6) DATE OF BIRTH	(8B) BEGIN DATE	(9B) BEGIN DATE	(10B) BEGIN DATE	empleted prior to final exan	(12A) LICENSE NO.	(13A) LICENSE NO.	(14A) LICENSE NO.	(15A) LICENSE NO.	(16A) LICENSE NO.	(18) 2ND INSTRUCTOR SIGNATURE - 16 HRS OUT	(20) CLINICAL SUPERVISOR SIGNATURE - 84 HRS OJT
			(8A) SITE NO.	(9A) SITE NO.	(10A) SITE NO.	% (must be co							
		TATE, ZIP)	AAINING	E-JOB-TRAINING (OJT)		Each test score must be at least 80% (must be completed prior to final exam)	RS	IRS	EO SIGNATURE	ION 84 HRS OJT COMPLETED	10N 16 HRS OR 100 HRS OJT COMPLETED	(17A) LICENSE NO. (17B) LAST NAME	(19A) LICENSE NO. (19A) LAST NAME
(1) STUDENT NAME (LAST, FIRST, MIDDLE)	(3) SOCIAL SECURITY NO.	(5) STUDENT PERMANENT ADDRESS (STREET, CITY, STATE, ZIP)	(8) APPROVED SITE NAME - 75 HRS INSTRUCTIONAL TRAINING	(9) APPROVED SITE NAME - 16 HRS OR 100 HRS ON-THE-JOB-TRAINING (OJT	(10) APPROVED SITE NAME - 84 HRS OJT	(11) CLASS TEST SCORES 1. 3. B	(12) 1ST INSTRUCTOR SIGNATURE - INSTRUCTIONAL HRS	(13) 2ND INSTRUCTOR SIGNATURE - INSTRUCTIONAL HRS	(14) ADMINISTRATOR/DIRECTOR OF NURSING (DON)/CEO SIGNATURE	(15) CHARGE NURSE SIGNATURE - FACILITY VERIFICATION 84 HRS OJT COM	(16) CHARGE NURSE SIGNATURE - FACILITY VERIFICATION 16 HRS OR 100 HRS OJT COMPLETED	(17) 1ST INSTRUCTOR SIGNATURE - 16 HRS OUT	(19) CLINICAL SUPERVISOR SIGNATURE - 84 HRS OJT

PAGE 1 OF 3

MO 580-3355 (9-2021)

STUDENT NAME - (LAST, FIRST, MIDDLE)						SOCIAL SECURITY NO.	SECURIT	O	
PG 2 – INSTRUCTIONS: 1st. Column: List date of 75 hour approved training agency. 4th Column: Simulation may be the student is competent in this skill and the competency eleast 16 hours of the 100 hours OJT.	rs instruct done only evaluation	onal trail if care i was cor	ning. <b>2n</b> ssue is j npleted	d Colum or avail	PG 2 – INSTRUCTIONS: 1st. Column: List date of 75 hours instructional training. 2nd Column: Classroom instructor initials. 3rd Column: Date the OJT evaluation was completed in state approved training agency. 4th Column: Clinical Supervisor/Instructor must initial the student is competent in this skill and the competency evaluation was completed on a one to one ratio in a state approved training agency. NOTE: An instructor must provide at least 16 hours of the 100 hours OJT.	luation w upervisor. n instruc	as com Instruct	oleted in sor must in start in	state nitial
SKILLS	DATE OF CLASSROOM INSTRUCTION ROTOUTION	SJAITINI TLO ETAD THO EVED	NOITAJUMIS	OJT EVALUATION CS / INSTRUCTOR INITIALS	SKILLS  DATE OF  CLASSROOM	MOONSEATO NOTOURTENI ROTOURTENI SUITINI	TLO STAD DATE OJT	NOITAJUMIS	OJT EVALUATION CS / INSTRUCTOR INITIALS
1. Take oral temperature					35. Give complete bed bath				
2. Take axillary temperature					36. Give tub bath				
3. Count radial pulse					37. Give shower bath				
4. Count apical pulse					38. Make an unoccupied bed				
5. Count respirations					39. Make an occupied bed				
6. Measure blood pressure					40. Give back rub				
7. Wash hands					41. Give stage 1 pressure ulcer care & discuss prevention				
8. Put on/remove daily care non-sterile gloves					42. Discuss pressure relieving devices				
9. Put on/remove mask					43. Reposition for pressure relief in bed				
10. Put on/remove non-sterile gown					44. Reposition for pressure relief in chair				
11. Feed a resident that requires total assistance					45. Suspend resident's heels				
12. Serve a food tray					46. Give perineal care with catheter				
13. Clear airway obstruction in conscious resident					47. Change a drainage bag				
14. Clear airway obstruction in unconscious resident					48. Empty a urinary drainage bag				
15. Thicken liquids					49. Assist resident in using urinal				
16. Distribute drinking water					50. Assist resident in using bedpan				
17. Measure fluid intake					51. Care of an uncomplicated established colostomy				
18. Measure fluid output					52. Turn resident to one side (% turn)				
19. Shave with disposable razor					53. Move resident to head of bed (two-person assist)				
20. Shave with electric razor					54. Demonstrate one-person pivot transfer from bed to chair				
21. Assist with oral hygiene					55. Demonstrate one-person pivot transfer from chair to bed				
22. Administer oral hygiene to resident that requires assistance					56. Demonstrate two-person pivot transfer from chair to bed (resident can assist)				
23. Denture care					57. Demonstrate two-person transfer with a mechanical lift to chair				
24. Fingernail care					58. Ambulate resident using a gait belt				
25. Toenail care					59. Ambulate resident using a walker				
26. Comb/brush hair					60. Ambulate resident using a cane				
27. Shampoo tub bath/shower bath					61. Range of Motion (ROM) exercises neck and shoulders				
28. Bed shampoo					62. ROM exercises elbow				
29. Perineal care to male resident					63. ROM exercises wrist/fingers				
30. Perineal care to female resident					64. ROM exercises hip/knee				
31. Assist resident to dress					65. ROM exercises ankle/toes				
32. Changing a brief					66. Measure weight of resident				
33. Assist resident to undress					67. Measure height of resident				
34. Apply and remove therapeutic stockings					68. Give post-mortem care				
COMMENTS									
MO 580-3355 (0-3031)				PAGE	PAGE 9 OF 3			DHSS-DBI-111 (08-20)	1 (08-20)
WO 380-3855 (3-244.)				5	5		1	5	(20 00)

# GUIDE TO CLASSROOM AND ON-THE-JOB TRAINING RECORD

# Guide for page 1

- 8. Name of approved training agency site where 75 hours of instructional training was
- 8A. Site number of training agency where instructional training was conducted.
- 8B. Beginning date of instructional training (this date must pre-date any on the job training).
- 8C. Date instructional training was completed.
- 8D. Number of instructional training hours completed.
- Name of approved long-term care (LTC) facility where student completed 16 or 100 hours of OJT.
- Note: If all 100 hours of OJT were completed in an approved LTC facility, boxes 10 through 10C may be left blank.
- **9A.** Site number of approved LTC facility where student completed 16 or 100 hours of OJT.
  - 9A. Site italiable of approved LTC lacinity where student completed to of Too nous of 9B. Date student began 16 or 100 hours of OJT in an approved LTC facility.
- 9C. Date student completed 16 or 100 hours of OJT in an approved LTC facility.
- 9C. Date student configuration to or 100 hours of OJT the student completed.
- 10. Name of the approved LTC facility where student completed 84 hours of OJT.
- Note: An approved LTC facility that has been denied the ability to provide 100 hours of OJT due to enforcement issues may be able to provide only 84 hours of OJT. The other 16 hours of OJT must be completed in an approved/eligible facility.
- 10A. Site number of approved LTC facility where 84 hours of OJT was completed.
- 10B. Date 84 hours of OJT began.
- 10C. Date student completed 84 hours of OJT.
- 11. During the course of 175 hours of training, the student must take and pass at least three sample tests with a score of at least 80% prior to sitting for the final exam. Those test scores shall be documented by the instructor at (11) 1., (11) 2., and (11) 3.
- 11A.\11B. Instructor checks applicable box if student has successfully met all required criteria to sit for final exam or failed to successfully complete all required to sit for final
- 12. The signature of the first classroom instructor shall ensure that all training requirements are met according to 19 CSR 30-84.010 and that all portions of form DHSS-DRL-2473 is complete. Signing indicates all training, with the exception of the final exam has been completed.
- 12A. First instructor's nurse license number.
- 12B. First instructor's last name.
- 13. If applicable, signature of the second instructor who assisted with the instructional training, indicating he/she provided instructional training to the student.
- 13A. If applicable, second instructor's nurse license number.
- 13B. If applicable, second instructor's last name.

14. Signature of the Administrator, DON, or CEO of the approved LTC facility where 16 hours of OJT occurred. This signature is to acknowledge the CNA training occurred in the facility named in box #9.

Page 2190

- 14A. Administrator, DON, or CEO's license number.
- 14B. Administrator, DON, or CEO's last name.
- Signature of charge nurse verifying the student was present in the LTC facility for 16 or 100 hours of OJT.
- 15A. Charge nurse's nurse license number.
- 15B. Charge nurse's last name.
- 16. Charge nurse's signature verifying that the student was present in the facility for 84 hours of OJT (may be left blank if charge nurse signed for all 100 hours at #15.)
- 16A. Charge nurse's nurse license number.
- 16B. Charge nurse's last name.
- 17. Signature of first instructor who provided at least 16 hours of 100 hours OJT in an approved LTC facility. (These 16 hours of training may be shared between one or more instructors.)
- 17A. Instructor's nurse license number.
- 17B. Instructor's last name.
- **18.** If applicable, signature of second instructor who provided any portion of the 16 hours of 100 hours of OJT for the student in an approved LTC facility.
- 18A. If applicable, the second instructor's nurse license number
- 18B. If applicable, the second instructor's last name.
- 19. Signature of clinical supervisor who supervised 84 hours of the OJT.
- 19A. Clinical supervisor's nurse license number.
- 19B. Clinical supervisor's last name.
- 20. If applicable, the signature of the second clinical supervisor who supervised any portion of 84 hours of OJT.
- 20A. If applicable, the second clinical supervisor's nurse license number.
- 20B. If applicable, the second clinical supervisor's last name.

# **Guide for Page 2**

All boxes on page 2 must be completed prior to the final exam with the exception of the comments box, which may be filled out as appropriate to the student.

All clinical supervisors and instructors who provided training and/or supervision must sign this form. If extra space is needed, signatures may be included in the comment section at the bottom of page 2.

## Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 85—Intermediate Care and Skilled Nursing Facility

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 198.006, 198.009, and 198.079, RSMo 2016, the department amends a rule as follows:

19 CSR 30-85.042 Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2021 (46 MoReg 1334-1337). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects Chapter 4—Applications

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

**20 CSR 2030-4.100** Applications—Formerly Licensed is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2021 (46 MoReg 1458-1459). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

# Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects Chapter 6—Fees

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-6.015 Application, Renewal, Relicensure, and Miscellaneous Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2021 (46 MoReg 1459). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

# Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects Chapter 13—Supervision

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-13.010 Immediate Personal Supervision is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2021 (46 MoReg 1459). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

# Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects Chapter 13—Supervision

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-13.020 Immediate Personal Supervision for Professional Land Surveyors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2021 (46 MoReg 1459-1460). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

REGISTER

his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the Missouri Register by law.

Title 1—OFFICE OF ADMINISTRATION Division 20-Personnel Advisory Board and Division of Personnel Chapter 5—Working Hours, Holidays and Leaves of

#### Absence IN ADDITION

#### NOTICE OF SUSPENSION OF RULE

#### 1 CSR 20-5.020 Leaves of Absence

ACTION TAKEN: This NOTICE OF SUSPENSION OF RULE suspends 1 CSR 20-5.020(1)(D)1. which would otherwise sweep accumulated annual leave over the maximum allowable accumulation held by State employees on October 31, 2021.

EMERGENCY STATEMENT: Pursuant to Executive Order (EO) 21-09 dated August 27, 2021, the rule is suspended effective October 15, 2021, until November 15, 2021.

#### Title 11—DEPARTMENT OF PUBLIC SAFETY Division 70—Division of Alcohol and Tobacco Control Chapter 2—Rules and Regulations

#### IN ADDITION

#### NOTICE OF SUSPENSION OF RULE

#### 11 CSR 70-2.190 Unlawful Discrimination and Price Scheduling

ACTION TAKEN: This NOTICE OF SUSPENSION OF RULE temporarily suspends the portion of 11 CSR 70-2.190(6) that requires that delayed shipment orders be delivered in the first five (5) days of the following month to the extent necessary to allow wholesalers to deliver delayed shipments at any time during the following month.

This rule affects holders of wholesale and retail licenses issued by the Division of Alcohol and Tobacco Control.

EMERGENCY STATEMENT: Pursuant to Executive Order (EO) 21-09 dated August 27, 2021, the rule is modified effective October 13, 2021, until December 31, 2021.

#### Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 30—Division of Regulation and Licensure Chapter 20—Hospitals

#### IN ADDITION

#### NOTICE OF SUSPENSION OF RULE

19 CSR 30-20.125 Unlicensed Assistive Personnel Training Pro-

ACTION TAKEN: NOTICE OF SUSPENSION OF 19 CSR 30-20.125(6)

19 CSR 30-20.125(6) and section 197.287, RSMo, shall be waived to extend the time unlicensed assistive personnel have to complete requisite training after employment with a hospital. Unlicensed assistive personnel shall have until ninety (90) days after the state of emergency has concluded to complete their requisite training.

EMERGENCY STATEMENT: Pursuant to Executive Order 20-02 and Executive Order 21-09, the provisions referenced in this notice are suspended effective October 13, 2021, until December 31, 2021, unless Executive Order 21-09 is extended in whole or in part.

#### Title 19—DEPARTMENT OF HEALTH AND **SENIOR SERVICES**

Division 60—Missouri Health Facilities **Review Committee** Chapter 50—Certificate of Need Program

#### NOTIFICATION OF REVIEW: APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for January 3, 2022. These applications are available for public inspection at the address shown below.

#### **Date Filed**

Project Number: Project Name City (County) Cost, Description

#### 9/30/2021

#5893 RS: Watermark at St. Peters St. Peters (St. Charles County) \$6,650,722, Establish 22-bed ALF

#### 10/11/2021

#5879 DS: CCRC-Lee's Summit Less' Summit (Jackson County) \$29,729,097, Establish 106-bed ALF and 40-bed SNF

#### 10/22/2021

#5904 HS: North Kansas City Hospital North Kansas City (Clay County) \$1,947,424, Replace cardiac cath lab #4 equipment

#5902 HS: Cox Medical Center Branson Branson (Taney County) \$1,867,613, Replace MRI

#5903 HS: Centerpoint Medical Center Independence (Jackson County) \$4,994,249, Replace cardiac PET with PET/CT

#5896 NS: Sunterra Springs Lee Summit Lee's Summit (Jackson County) \$12,970,366, Establish 46-bed SNF

#5906 HS: Missouri Baptist Medical Center St. Louis (St. Louis County) \$2,009,500, Add additional robotic surgery system

#5907 HS: Christian Hospital St. Louis (St. Louis County) \$3,008,074, Add additional MRI **#5908 HS:** Barnes-Jewish Hospital St. Louis (St. Louis City) \$1,300,719, Replace cardiac cath lab

**#5905 RS:** Family Partners Manchester Manchester (St. Louis County) \$2,150,000, Add 18 ALF beds

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by November 24, 2021. All written requests and comments should be sent to—

#### Chairman

Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102
For additional information contact Alison Dorge at alison.dorge@health.mo.gov.

he Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

#### NOTICE OF WINDING UP AND DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST CORNER FILM PRODUCTIONS, LLC

On March 25, 2021, Corner Film Productions, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective the date of filing.

Any and all claims against Corner Film Productions, LLC, must be sent to Attn: Vanessa Eleanor Smith, 318 S Spoede Rd, Saint Louis, Missouri 63141. Each claim should include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; the basis for the claim; (3) documentation supporting the claim; (4) and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Corner Film Productions, LLC, will be barred unless a proceeding to enforce such claim is commenced within three years after the date this notice is published.

#### NOTICE OF WINDING UP AND DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST CASUALTIES OF THE STATE THE MOVIE, LLC

On March 25, 2021, Casualties of the State the Movie, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective the date of filing.

Any and all claims against Casualties of the State the Movie, LLC, must be sent to Attn: Vanessa Eleanor Smith, 318 S Spoede Rd, Saint Louis, Missouri 63141. Each claim should include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; the basis for the claim; (3) documentation supporting the claim; (4) and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Corner Film Productions, LLC, will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

#### NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST ROYAL OAKS EQUESTRIAN CENTER, LLC

Royal Oaks Equestrian Center, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on September 3, 2021. Any and all claims against Royal Oaks Equestrian Center, LLC may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; and (iv) documentation of the claim. A claim against Royal Oaks Equestrian Center, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

#### NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST ISLWYN PROPERTIES, L.L.C.

Islwyn Properties, L.L.C., a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on September 3, 2021. Any and all claims against Islwyn Properties, L.L.C. may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; and (iv) documentation of the claim. A claim against Islwyn Properties, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

# NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST B.B. MOORE COMPANY

B.B. Moore Company, a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State on August 31, 2021. The dissolution was effective on that date.

Any and all claims against B.B. Moore Company must be sent to B.B. Moore Company, Attn: Hunter Ely, P.O. Box 368, Charleston, Missouri 63834. Each claim should include the following information: the address and telephone number name, of the claimant; the amount of the claim; the basis for the claim; documentation supporting the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against B.B. Moore Company will be barred unless a proceeding to enforce such claim is commenced within two years after the date this notice is published.

# NOTICE OF WINDING UP FOR DISCOVER BODY BALANCE, LLC

On October 14, 2021, Discover Body Balance, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. All persons and organizations with claims against the Company must submit a written summary of any claims against the Company to DISCOVER BODY BALANCE, LLC, c/o THE LAW OFFICE OF JESSE A. GRANNEMAN, LLC, 20 Manor Drive, P.O. Box 250, Troy, Missouri 63379, which summary shall include the name, address, and telephone number of the claimant, the amount of the claim, date(s) the claim accrued, a brief description of the nature and basis for the claim, and any documentation of the claim. Claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

# NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST HELMS PROPERTIES, LLC

On October 8, 2021, Helms Properties, LLC, a Missouri limited liability company, Charter Number LC0077853, filed its Notice of Winding Up with the Missouri Secretary of State, effective as of the filing date.

All persons or organizations having claims against Helms Properties, LLC are required to present them immediately in writing to: Kirkland Woods & Martinsen LLP, Attn: Robert K. Kirkland, 132 Westwoods Drive, Liberty, Missouri 64068.

Each claim must include: (1) claimant's name and current address; (2) the amount claimed; (3) the date the claim was incurred; and (4) a clear and concise statement of the facts supporting the claim.

NOTE: CLAIMS AGAINST **HELMS PROPERTIES, LLC**, WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

# NOTICE OF WINDING UP TO ALL CREDITORS AND CLAIMANTS AGAINST BYASSEE ENTERPRISES, L.L.C.

Byassee Enterprises, L.L.C. filed its Notice of Winding Up with the Missouri Secretary of State. The notice was effective September 2, 2021.

You are hereby notified that if you believe you have a claim against Byassee Enterprises, L.L.C., you must submit a summary in writing of the circumstances surrounding your claim to the company at 6351 Knox Industrial Drive, St. Louis, MO 63139. The summary of your claim must include the following information:

- 1. The name, address, and telephone number of the claimant.
- 2. The amount of the claim.
- 3. The date on which the event on which the claim is based occurred.
- 4. A brief description of the nature of the debt or the basis for the claim.

All claims against Byassee Enterprises, L.L.C. will be barred unless the proceeding to enforce the claim is commenced within three years after publication of this notice.

#### NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST HOOKSET PROPERTIES-CHESTERFIELD, LLC

On October 7, 2021, Hookset Properties-Chesterfield, LLC, a Missouri limited liability company ("Company"), filed its Articles of Termination with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against the Company, you must submit the claim to Andrew Brown, Brownstone Properties, LLC, 635 Trade Center Blvd., Chesterfield, Missouri 63005. Each claim must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date the event on which the claim is based occurred; whether the claim is secured, and if so, the nature of the security; and documentation of the claim. ALL CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED AGAINST THE COMPANY WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

# Rule Changes Since Update to Code of State Regulations

November 15, 2021 Vol. 46, No. 22

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule	;			45 MoReg 1926
1 CSR 10-15.010 1 CSR 20-5.020	Commissioner of Administration Personnel Advisory Board and Division of Per	46 MoReg 1373			This Issue
1 CSR 20 3.020	•	Some			11113 13340
2 CSR 30-10.010	DEPARTMENT OF AGRICULTURE Animal Health	46 MoReg 393	46 MoReg 397	46 MoReg 1338	
2 CSR 70-17.010	Plant Industries	46 MoReg 1039 46 MoReg 1829T	46 MoReg 1049	46 MoReg 1875	
2 CSR 70-17.100	Plant Industries	46 MoReg 1039 46 MoReg 1829T	46 MoReg 1049	46 MoReg 1875	
2 CSR 80-5.010	State Milk Board	40 Mokeg 10271	46 MoReg 1000	46 MoReg 1804	
2 CSR 90-20.040	Weights, Measures and Consumer Protection		46 MoReg 1585		
2 CSR 90-21.010	Weights, Measures and Consumer Protection		46 MoReg 1585		
2 CSR 90-22.140 2 CSR 90-23.010	Weights, Measures and Consumer Protection Weights, Measures and Consumer Protection		46 MoReg 1586 46 MoReg 1586		
2 CSR 90-25.010 2 CSR 90-25.010	Weights, Measures and Consumer Protection		46 MoReg 1586		
2 CSR 90-30.040	Weights, Measures and Consumer Protection		46 MoReg 753	46 MoReg 1633	
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.111	Conservation Commission		46 MoReg 397	46 MoReg 1082	
3 CSR 10-4.117	Conservation Commission		46 MoReg 1730	46 MaDan 1092	
3 CSR 10-4.135 3 CSR 10-5.205	Conservation Commission Conservation Commission		46 MoReg 398 46 MoReg 1730	46 MoReg 1082	
3 CSR 10-5.210	Conservation Commission		46 MoReg 1736		
3 CSR 10-5.220	Conservation Commission		46 MoReg 1736		
3 CSR 10-5.700	Conservation Commission		10 1110100 1700		46 MoReg 1689
3 CSR 10-5.705	Conservation Commission				46 MoReg 1689
3 CSR 10-6.510	Conservation Commission		46 MoReg 1736		
3 CSR 10-6.525	Conservation Commission		46 MoReg 1737	46 M - D - 1002	
3 CSR 10-6.550	Conservation Commission		46 MoReg 398 46 MoReg 1737	46 MoReg 1082	
3 CSR 10-6.605	Conservation Commission		46 MoReg 398	46 MoReg 1083	
3 CSR 10-7.433	Conservation Commission		40 Moreg 370	46 MoReg 1083	
3 CSR 10-7.434	Conservation Commission			46 MoReg 1084	46 MoReg 1689
3 CSR 10-7.435	Conservation Commission			46 MoReg 1084	
3 CSR 10-7.437	Conservation Commission		46 M P 200	46 MoReg 1085	
3 CSR 10-7.439 3 CSR 10-7.440	Conservation Commission Conservation Commission		46 MoReg 399	46 MoReg 1085 46 MoReg 1804	
3 CSR 10-7.440 3 CSR 10-7.455	Conservation Commission			40 MOKES 1604	46 MoReg 1689
3 CSR 10-7.600	Conservation Commission			46 MoReg 1085	10 1/101005
3 CSR 10-7.700	Conservation Commission				46 MoReg 1689
3 CSR 10-7.715	Conservation Commission		46 MoReg 1737	46 M D 1006	
3 CSR 10-9.105	Conservation Commission		46 MoReg 399	46 MoReg 1086	
3 CSR 10-9.110 3 CSR 10-9.220	Conservation Commission Conservation Commission		46 MoReg 404 46 MoReg 404	46 MoReg 1086 46 MoReg 1086	
3 CSR 10-9.223	Conservation Commission		46 MoReg 407	46 MoReg 1086	
3 CSR 10-9.230	Conservation Commission		46 MoReg 407	46 MoReg 1087	
3 CSR 10-9.240	Conservation Commission		46 MoReg 408	46 MoReg 1087	
3 CSR 10-9.250	Conservation Commission		46 MoReg 408	46 MoReg 1087	
3 CSR 10-9.350 3 CSR 10-9.351	Conservation Commission Conservation Commission		46 MoReg 408 46 MoReg 409	46 MoReg 1087 46 MoReg 1087	
3 CSR 10-9.352	Conservation Commission		46 MoReg 411	46 MoReg 1087	
3 CSR 10-9.353	Conservation Commission		46 MoReg 413	46 MoReg 1088	
3 CSR 10-9.354	Conservation Commission		46 MoReg 415	46 MoReg 1088	
3 CSR 10-9.359	Conservation Commission		46 MoReg 420	46 MoReg 1089	
3 CSR 10-9.360	Conservation Commission Conservation Commission		46 MoReg 420 46 MoReg 421	46 MoReg 1089	
3 CSR 10-9.370 3 CSR 10-9.371	Conservation Commission		46 MoReg 424	46 MoReg 1089 46 MoReg 1090	
3 CSR 10-9.372	Conservation Commission		46 MoReg 429	46 MoReg 1090	
3 CSR 10-9.442	Conservation Commission		46 MoReg 429	46 MoReg 1090	
3 CSR 10-9.560	Conservation Commission		46 MoReg 429	46 MoReg 1090	
3 CSR 10-9.565	Conservation Commission		46 MoReg 430	46 MoReg 1090	
3 CSR 10-9.566 3 CSR 10-10.725	Conservation Commission Conservation Commission		46 MoReg 434 46 MoReg 434	46 MoReg 1092 46 MoReg 1092	
3 CSK 10-10.723	Conscivation Commission		46 MoReg 1738	0	
3 CSR 10-10.739	Conservation Commission		46 MoReg 434	46 MoReg 1092	
3 CSR 10-10.744	Conservation Commission		46 MoReg 435	46 MoReg 1093	
3 CSR 10-10.767 3 CSR 10-11.110	Conservation Commission		46 MoReg 435	46 MoReg 1093	
3 CSR 10-11.110 3 CSR 10-11.130	Conservation Commission Conservation Commission		46 MoReg 1742 46 MoReg 1742		
3 CSR 10-11.130 3 CSR 10-11.186	Conservation Commission		46 MoReg 436	46 MoReg 1093	
3 CSR 10-11.190	Conservation Commission		46 MoReg 1745	.0	
3 CSR 10-11.205	Conservation Commission		46 MoReg 1745		
3 CSR 10-11.210	Conservation Commission		46 MoReg 1746	46 MaDr. 1002	
3 CSR 10-12.109	Conservation Commission		46 MoReg 436 46 MoReg 1746	46 MoReg 1093	
3 CSR 10-12.110	Conservation Commission		46 MoReg 436	46 MoReg 1093	
3 CSR 10-12.110	Conservation Commission		46 MoReg 1747	70 Milling 1075	
3 CSR 10-12.145	Conservation Commission		46 MoReg 1747		
			-		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-20.805	Conservation Commission		46 MoReg 437 46 MoReg 1748	46 MoReg 1093	
5 COP 10 1 010	DEPARTMENT OF ELEMENTARY AND S	ECONDARY EDU			
5 CSR 10-1.010 5 CSR 10-3.010	Commissioner of Education Commissioner of Education		46 MoReg 1450 46 MoReg 1451		
5 CSR 20-100.220	Division of Learning Services		46 MoReg 1451		46 M D 1641
5 CSR 20-100.310	Division of Learning Services moved to 5 CSR 25-100.310				46 MoReg 1641
5 CSR 20-100.230 5 CSR 20-100.320	Division of Learning Services Division of Learning Services				46 MoReg 1806 46 MoReg 1641
	moved to 5 CSR 25-100.320				· ·
5 CSR 20-100.330	Division of Learning Services moved to 5 CSR 25-100.330				46 MoReg 1641
5 CSR 20-300.120	Division of Learning Services				1634.5
5 CSR 20-300.130	moved to 5 CSR 25-100.120 Division of Learning Services		46 MoReg 926	46 MoReg 2020	46 MoReg 1641
	moved to 5 CSR 30-660.095		C		
5 CSR 20-400.210 5 CSR 20-400.220	Division of Learning Services Division of Learning Services		46 MoReg 1956 46 MoReg 926	46 MoReg 2019	
5 CSR 20-400.260	Division of Learning Services		46 MoReg 1956	46 MaDag 2010D	
5 CSR 20-400.360 5 CSR 20-400.500	Division of Learning Services Division of Learning Services		46 MoReg 1000R 46 MoReg 754	46 MoReg 2019R 46 MoReg 1633	
5 CSR 20-400.540 5 CSR 20-700.100	Division of Learning Services Division of Learning Services		46 MoReg 1751 46 MoReg 1752	-	
5 CSR 25-100.120	Office of Childhood		40 Mokeg 1732		46 MoReg 1641
5 CSR 25-100.310	formerly 5 CSR 20-300.120 Office of Childhood				46 MoReg 1641
	formerly 5 CSR 20-100.310		46 MoReg 1838R		· ·
5 CSR 25-100.320	Office of Childhood formerly 5 CSR 20-100.320				46 MoReg 1641
5 CSR 25-100.330	Office of Childhood		This Issue		46 MoReg 1641
5 CSR 25-200.050	formerly 5 CSR 20-100.330 Office of Childhood		This Issue		46 MoReg 1641
5 CSR 25-200.060	formerly 13 CSR 35-32.050 Office of Childhood				46 MoReg 1641
	formerly 13 CSR 35-32.060				•
5 CSR 25-200.070	Office of Childhood formerly 13 CSR 35-32.070				46 MoReg 1641
5 CSR 25-200.090	Office of Childhood				46 MoReg 1641
5 CSR 25-200.100	formerly 13 CSR 35-32.090 Office of Childhood				46 MoReg 1641
5 CSR 25-200.110	formerly 13 CSR 35-32.100				46 MoReg 1641
	Office of Childhood formerly 13 CSR 35-32.110				_
5 CSR 25-200.120	Office of Childhood formerly 13 CSR 35-32.120				46 MoReg 1641
5 CSR 25-200.130	Office of Childhood				46 MoReg 1641
5 CSR 25-300	formerly 13 CSR 35-32.130 Office of Childhood				46 MoReg 1641
5 CSR 25-300.010	formerly 19 CSR 30-60 Office of Childhood		This Issue		
5 CSR 25-300.030 5 CSR 25-300.070	Office of Childhood		This IssueR		
5 CSR 25-300.070 5 CSR 25-300.080	Office of Childhood Office of Childhood		This Issue This Issue		
5 CSR 25-300.100	Office of Childhood		This IssueR		
5 CSR 25-300.120 5 CSR 25-400	Office of Childhood Office of Childhood		This Issue		46 MoReg 1642
5 CSR 25-400.010	formerly 19 CSR 30-61 Office of Childhood		This Issue		
5 CSR 25-400.015	Office of Childhood		This IssueR		
5 CSR 25-400.025 5 CSR 25-400.045	Office of Childhood Office of Childhood		This Issue This Issue		
5 CSR 25-400.055 5 CSR 25-400.105	Office of Childhood		This Issue		
5 CSR 25-400.105 5 CSR 25-400.115	Office of Childhood Office of Childhood		This Issue This Issue		
5 CSR 25-400.125	Office of Childhood		This Issue		
5 CSR 25-400.145 5 CSR 25-400.155	Office of Childhood Office of Childhood		This Issue This Issue		
5 CSR 25-400.210	Office of Childhood		This Issue		
5 CSR 25-400.220 5 CSR 25-500	Office of Childhood Office of Childhood		This Issue		46 MoReg 1642
5 CSR 25-500.010	formerly 19 CSR 30-62 Office of Childhood		This Issue		
5 CSR 25-500.010 5 CSR 25-500.022 5 CSR 25-500.032	Office of Childhood		This Issue		
5 CSR 25-500.032 5 CSR 25-500.042	Office of Childhood Office of Childhood		This Issue This Issue		
5 CSR 25-500.052	Office of Childhood		This Issue		
5 CSR 25-500.102 5 CSR 25-500.122	Office of Childhood Office of Childhood		This Issue This Issue		
5 CSR 25-500.122 5 CSR 25-500.152 5 CSR 25-500.162	Office of Childhood		This Issue		
5 CSR 25-500.162 5 CSR 25-500.222	Office of Childhood Office of Childhood		This Issue This Issue		
5 CSR 25-500.230 5 CSR 25-600	Office of Childhood Office of Childhood		This Issue		46 MaDaa 1442
	formerly 19 CSR 30-63				46 MoReg 1642
5 CSR 25-600.010 5 CSR 25-600.020	Office of Childhood Office of Childhood		This Issue This Issue		
5 CSR 25-600.040	Office of Childhood		This Issue		
5 CSR 25-600.050 5 CSR 30-640.200	Office of Childhood Division of Financial and Administrative Service	ces	This Issue 46 MoReg 927	46 MoReg 2019	
5 CSR 30-660.080	Division of Financial and Administrative Service		46 MoReg 927	46 MoReg 2020	

	_			
Rule Number	Agency Emergen	•	Order	In Addition
5 CSR 30-660.095	Division of Financial and Administrative Services	46 MoReg 926	46 MoReg 2020	
5 CSR 30-680.010	formerly 5 CSR 20-300.130 Division of Financial and Administrative Services	46 MaPag 1752		
5 CSR 30-680.010	Division of Financial and Administrative Services	46 MoReg 1752 46 MoReg 1754		
5 CSR 30-680.030	Division of Financial and Administrative Services	46 MoReg 1754R		
5 CSR 30-680.035	Division of Financial and Administrative Services	46 MoReg 1755		
5 CSR 30-680.040 5 CSR 30-680.050	Division of Financial and Administrative Services	46 MoReg 1755 46 MoReg 1756R		
5 CSR 30-680.050	Division of Financial and Administrative Services Division of Financial and Administrative Services	46 MoReg 1756		
5 CSR 30-680.060 5 CSR 30-680.070	Division of Financial and Administrative Services	46 MoReg 1756		
5 CSR 30-680.080	Division of Financial and Administrative Services	46 MoReg 928	46 MoReg 2020	
6 CSR 10-2.195	DEPARTMENT OF HIGHER EDUCATION AND WOLCOmmissioner of Higher Education and			
COD 10 14 010	Workforce Development	46 MoReg 1757		
6 CSR 10-14.010	Commissioner of Higher Education and Workforce Developmen	46 MoReg 1958		
7 CSR	MISSOURI DEPARTMENT OF TRANSPORTATION Notice of Periodic Rule Review			46 MoReg 1096
8 CSR	DEPARTMENT OF LABOR AND INDUSTRIAL REL Notice of Periodic Rule Review	ATIONS		46 MoReg 1096
8 CSR 10-3.160	Division of Employment Security 46 MoReg	1575 46 MoReg 1587		TO MIDINES 1090
8 CSR 20-7.010	Labor and Industrial Relations Commission	46 MoReg 606R	46 MoReg 1634R	
8 CSR 50-6.010	Division of Workers' Compensation	46 MoReg 606R	46 MoReg 1634R	
8 CSR 60-2.025 8 CSR 60-2.100	Missouri Commission on Human Rights Missouri Commission on Human Rights	46 MoReg 1838 46 MoReg 1839		
0 CSR 00-2.100	1711000011 Commission on Human regins	70 MONES 1037		
9 CSR	<b>DEPARTMENT OF MENTAL HEALTH</b> Notice of Periodic Rule Review			46 MoReg 109
9 CSR 10-5.210	Director, Department of Mental Health	46 MoReg 1452	This Issue	
9 CSR 30-3.032	Certification Standards	46 MoReg 1050	46 MoReg 2020	
9 CSR 30-3.100	Certification Standards	46 MoReg 1052R	46 MoReg 2020R	
9 CSR 30-3.110	Certification Standards	46 MoReg 1052 46 MoReg 1054R	46 MoReg 2021 46 MoReg 2021R	
		46 MoReg 1054	46 MoReg 2021	
9 CSR 30-3.132	Certification Standards	46 MoReg 1058R	46 MoReg 2022R	
9 CSR 30-3.155	Certification Standards	46 MoReg 1058 46 MoReg 1064	46 MoReg 2022 46 MoReg 2022	
9 CSR 30-3.155	Certification Standards	46 MoReg 1065	46 MoReg 2022	
9 CSR 30-3.195	Certification Standards	46 MoReg 1066	46 MoReg 2023	
9 CSR 40-5.015	Licensing Rules	46 MoReg 1453R		
9 CSR 40-5.035 9 CSR 40-5.055	Licensing Rules	46 MoReg 1453R		
9 CSR 40-5.055 9 CSR 40-5.075	Licensing Rules Licensing Rules	46 MoReg 1454R 46 MoReg 1454		
9 CSR 50-2.010	Admission Criteria	46 MoReg 497	46 MoReg 1094	
9 CSR 50-2.510	Admission Criteria	46 MoReg 505	46 MoReg 1094	
10 CSR	DEPARTMENT OF NATURAL RESOURCES Notice of Periodic Rule Review			46 MoReg 1096
10 CSR 10-5.381	Air Conservation Commission	46 MoReg 1840		40 Moreg 1090
10 CSR 10-6.300	Air Conservation Commission	46 MoReg 1590R		
10 CSR 10-6.376	Air Conservation Commission	46 MoReg 691	46 MoReg 1804	
10 CSR 20-7.031 10 CSR 25-7	Clean Water Commission	46 MoReg 1153		46 MoReg 1806
10 CSR 25-7 10 CSR 60-5.010	Hazardous Waste Management Commission Safe Drinking Water Commission	46 MoReg 931	This Issue	40 Mokeg 1800
10 CSR 60-5.020	Safe Drinking Water Commission	46 MoReg 932	This Issue	
10 CSR 60-14.020	Safe Drinking Water Commission	46 MoReg 935	This Issue	
11 CSR 30-13.010	DEPARTMENT OF PUBLIC SAFETY			
11 0011 00 101010				
11 CSR 30-13 020	Office of the Director moved to 11 CSR 90-4.010	46 MoReg 696	46 MoReg 1485	
11 CSR 30-13.020 11 CSR 30-13.030	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020	46 MoReg 696 46 MoReg 696	46 MoReg 1485 46 MoReg 1486	
II CSR 30-13.020 II CSR 30-13.030 II CSR 30-13.040	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director	46 MoReg 696 46 MoReg 697	46 MoReg 1486 46 MoReg 1486	
11 CSR 30-13.030	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director	46 MoReg 696 46 MoReg 697 46 MoReg 697	46 MoReg 1486 46 MoReg 1486 46 MoReg 1486	
11 CSR 30-13.030 11 CSR 30-13.040	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director	46 MoReg 696 46 MoReg 697 46 MoReg 697 46 MoReg 698	46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1486	
11 CSR 30-13.030 11 CSR 30-13.040 11 CSR 30-13.050	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.060 Office of the Director	46 MoReg 696 46 MoReg 697 46 MoReg 697 46 MoReg 698 46 MoReg 698	46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1486	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.060 II CSR 30-13.070	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.070 Office of the Director	46 MoReg 696 46 MoReg 697 46 MoReg 697 46 MoReg 698 46 MoReg 698 46 MoReg 699	46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1487	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.060	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.070 Office of the Director moved to 11 CSR 90-4.080 Office of the Director	46 MoReg 696 46 MoReg 697 46 MoReg 697 46 MoReg 698 46 MoReg 698 46 MoReg 699 46 MoReg 700	46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1487 46 MoReg 1487	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.060 II CSR 30-13.070 II CSR 30-13.080	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.070 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.090 Office of the Director	46 MoReg 696 46 MoReg 697 46 MoReg 697 46 MoReg 698 46 MoReg 698 46 MoReg 699 46 MoReg 700 46 MoReg 701	46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1486 46 MoReg 1487 46 MoReg 1487 46 MoReg 1487	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.060 II CSR 30-13.070 II CSR 30-13.080 II CSR 30-13.090 II CSR 30-13.110	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.070 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.090	46 MoReg 696 46 MoReg 697 46 MoReg 697 46 MoReg 698 46 MoReg 698 46 MoReg 699 46 MoReg 700 46 MoReg 701 46 MoReg 702 46 MoReg 696	46 MoReg 1486 46 MoReg 1487 46 MoReg 1487 46 MoReg 1487	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.060 II CSR 30-13.070 II CSR 30-13.080 II CSR 30-13.090 II CSR 30-13.110 II CSR 30-18.010 II CSR 30-18.010 II CSR 30-18.020	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.070 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.100 Office of the Director	46 MoReg 696  46 MoReg 697  46 MoReg 697  46 MoReg 698  46 MoReg 698  46 MoReg 699  46 MoReg 700  46 MoReg 701  46 MoReg 702  46 MoReg 606  46 MoReg 612	46 MoReg 1486 46 MoReg 1487 46 MoReg 1635	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.060 II CSR 30-13.070 II CSR 30-13.080 II CSR 30-13.080 II CSR 30-13.090 II CSR 30-13.090 II CSR 30-18.010 II CSR 30-18.010 II CSR 30-18.010 II CSR 30-18.020 II CSR 45-5.090	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.070 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.100 Office of the Director Moved to 11 CSR 90-4.100 Office of the Director Moved to 11 CSR 90-4.100 Office of the Director Moved to 11 CSR 90-4.100 Office of the Director Moved to 11 CSR 90-4.100 Office of the Director Missouri Gaming Commission	46 MoReg 696  46 MoReg 697  46 MoReg 697  46 MoReg 698  46 MoReg 698  46 MoReg 699  46 MoReg 700  46 MoReg 701  46 MoReg 702  46 MoReg 606  46 MoReg 612  46 MoReg 758	46 MoReg 1486 46 MoReg 1487 46 MoReg 1487 46 MoReg 1487 46 MoReg 1487 46 MoReg 1634 46 MoReg 1635 46 MoReg 1635 46 MoReg 2023	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.060 II CSR 30-13.070 II CSR 30-13.080 II CSR 30-13.080 II CSR 30-13.090 II CSR 30-13.110 II CSR 30-18.010 II CSR 30-18.020 II CSR 45-5.090 II CSR 45-5.090	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.100 Office of the Director moved to 11 CSR 90-4.100 Office of the Director moved to 11 CSR 90-4.100 Office of the Director moved to 11 CSR 90-M.100 Office of the Director Missouri Gaming Commission Missouri Gaming Commission	46 MoReg 696  46 MoReg 697  46 MoReg 697  46 MoReg 698  46 MoReg 698  46 MoReg 699  46 MoReg 700  46 MoReg 701  46 MoReg 702  46 MoReg 606  46 MoReg 612  46 MoReg 758  46 MoReg 758	46 MoReg 1486 46 MoReg 1487 46 MoReg 1487 46 MoReg 1487 46 MoReg 1487 46 MoReg 1634 46 MoReg 1634 46 MoReg 1634 46 MoReg 2023 46 MoReg 2023	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.060 II CSR 30-13.070 II CSR 30-13.080 II CSR 30-13.090 II CSR 30-13.100 II CSR 30-18.010 II CSR 30-18.010 II CSR 45-5.090 II CSR 45-5.140	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.070 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.100 Office of the Director moved to 11 CSR 90-4.100 Office of the Director moved to 11 CSR 90-4.100 Office of the Director Missouri Gaming Commission Missouri Gaming Commission	46 MoReg 696 46 MoReg 697 46 MoReg 697 46 MoReg 698 46 MoReg 698 46 MoReg 699 46 MoReg 700 46 MoReg 701 46 MoReg 702 46 MoReg 702 46 MoReg 606 46 MoReg 612 46 MoReg 758 46 MoReg 758 46 MoReg 758	46 MoReg 1486 46 MoReg 1487 46 MoReg 1487 46 MoReg 1487 46 MoReg 1487 46 MoReg 1634 46 MoReg 1635 46 MoReg 1635 46 MoReg 2023	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.060 II CSR 30-13.070 II CSR 30-13.080 II CSR 30-13.080 II CSR 30-13.110 II CSR 30-18.010 II CSR 30-18.020 II CSR 45-5.110 II CSR 45-5.140 II CSR 45-5.130 II CSR 45-9.108	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.070 Office of the Director moved to 11 CSR 90-4.070 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.100 Office of the Director moved to 11 CSR 90-4.100 Office of the Director Missouri Gaming Commission	46 MoReg 696  46 MoReg 697  46 MoReg 697  46 MoReg 698  46 MoReg 698  46 MoReg 699  46 MoReg 700  46 MoReg 701  46 MoReg 702  46 MoReg 606  46 MoReg 612  46 MoReg 758	46 MoReg 1486 46 MoReg 1487 46 MoReg 1634 46 MoReg 1635 46 MoReg 2023 46 MoReg 2023 46 MoReg 2023	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.050 II CSR 30-13.070 II CSR 30-13.070 II CSR 30-13.080 II CSR 30-13.080 II CSR 30-13.090 II CSR 30-13.100 II CSR 30-18.010 II CSR 30-18.010 II CSR 45-5.110 II CSR 45-5.140 II CSR 45-5.140 II CSR 45-5.140 II CSR 45-9.113	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.070 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.100 Office of the Director moved to 11 CSR 90-4.100 Office of the Director Missouri Gaming Commission	46 MoReg 696  46 MoReg 697  46 MoReg 697  46 MoReg 698  46 MoReg 698  46 MoReg 699  46 MoReg 700  46 MoReg 701  46 MoReg 702  46 MoReg 606  46 MoReg 612  46 MoReg 758  46 MoReg 758  46 MoReg 758  46 MoReg 759  46 MoReg 1962  46 MoReg 1962	46 MoReg 1486 46 MoReg 1487 46 MoReg 1487 46 MoReg 1487 46 MoReg 1487 46 MoReg 1634 46 MoReg 1634 46 MoReg 1635 46 MoReg 2023 46 MoReg 2023 46 MoReg 2023	
II CSR 30-13.030 II CSR 30-13.040 II CSR 30-13.050 II CSR 30-13.060 II CSR 30-13.070 II CSR 30-13.080 II CSR 30-13.080 II CSR 30-13.090 II CSR 30-13.090 II CSR 30-18.010 II CSR 30-18.010 II CSR 30-18.010 II CSR 30-18.020 II CSR 45-5.090	Office of the Director moved to 11 CSR 90-4.010 Office of the Director moved to 11 CSR 90-4.020 Office of the Director moved to 11 CSR 90-4.030 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.040 Office of the Director moved to 11 CSR 90-4.050 Office of the Director moved to 11 CSR 90-4.060 Office of the Director moved to 11 CSR 90-4.070 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.080 Office of the Director moved to 11 CSR 90-4.090 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000 Office of the Director moved to 11 CSR 90-4.000	46 MoReg 696  46 MoReg 697  46 MoReg 697  46 MoReg 698  46 MoReg 698  46 MoReg 699  46 MoReg 700  46 MoReg 701  46 MoReg 702  46 MoReg 606  46 MoReg 612  46 MoReg 758  46 MoReg 758  46 MoReg 758  46 MoReg 758  46 MoReg 759	46 MoReg 1486 46 MoReg 1487 46 MoReg 1634 46 MoReg 1635 46 MoReg 2023 46 MoReg 2023 46 MoReg 2023	

CSR 83-1,000   Westman Affair   46 MoReg 1713   46 MoReg 1799   46 MoReg 1894	Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10 2-067   Director of Revenue			46 MoReg 1713		46 MoReg 1804	
12 CSR 10-24-48    Director of Revenue	12 CSR 10-2.085	Director of Revenue Director of Revenue		This IssueR		
1. CSR 0.0.400   Director of Revenue	12 CSR 10-24.448 12 CSR 10-25.120	Director of Revenue Director of Revenue	46 MoReg 1713	46 MoReg 935 46 MoReg 1963	46 MoReg 1686	
3 CSR 83-30.00   Division of Imanic and Administrative Services   46 MoReg 1701   46 MoReg 1875   47 MoReg 1875   48 MoReg 1875   49 MoReg 1875   40 MoReg 1	12 CSR 10-41.010 12 CSR 10-104.030 12 CSR 10-108.300	Director of Revenue Director of Revenue Director of Revenue		This Issue This Issue This Issue		
13 CSR 3-30-020	12 CSR 10-111.060			This Issue		
13 CSR 33-30.020		Division of Finance and Administrative Servi				
13 CSR 35-31.025   Children's Division	13 CSR 35-30.020	Children's Division	46 MoReg 1040	46 MoReg 1068		
3 CSR 35-32.000			46 MoReg 1043			
13 CSR 35-32.030		Child Support Enforcement	46 MoReg 1121		10 1/10/10/2	
13 CSR 35-32.090	13 CSR 35-32.030	Child Support Enforcement	46 MoReg 1126	46 MoReg 1291		
13 CSR 35-32.060	13 CSR 35-32.050	Child Support Enforcement				46 MoReg 1641
13 CSR 35-32.000		moved to 5 CSR 25-200.050				_
Child Support Enforcement		moved to 5 CSR 25-200.060				C
Table   Child Support Enforcement   A6 MoReg 1641		moved to 5 CSR 25-200.070				
Table   Child Support Enforcement   46 MoReg   1641		moved to 5 CSR 25-200.090				C
March   September   Septembe		Child Support Enforcement moved to 5 CSR 25-200.100				_
13 CSR 35-32.120	13 CSR 35-32.110	Child Support Enforcement moved to 5 CSR 25-200, 110				46 MoReg 1641
31 CSR 35-32.130	13 CSR 35-32.120	Child Support Enforcement				46 MoReg 1641
13 CSR 35-35.120		Child Support Enforcement moved to 5 CSR 25-200.130				46 MoReg 1641
Strong   S		Children's Division				
Strong   S		formerly 13 CSR 35-32.020 Children's Division				
13 CSR 35-70.010		formerly 13 CSR 35-32.030		_		
S CSR 35-71.010		formerly 13 CSR 35-50.010 Child Support Enforcement		· ·		
3 CSR 35-71.020		moved to 13 CSR 35-35.140				
3 CSR 35-71.030	13 CSR 35-71.015			46 MoReg 1966		
13 CSR 35-71.045			46 MoReg 1917	46 MoReg 1974		
13 CSR 35-73.00			46 MoReg 1924	46 MoReg 1977 46 MoReg 1980		
13 CSR 35-73.012   Children's Division	13 CSR 35-71.300	Children's Division	46 MoReg 1928	46 MoReg 1983		
13 CSR 35-73.017   Children's Division	13 CSR 35-73.010 13 CSR 35-73.012		46 MoReg 1932 46 MoReg 1933			
13 CSR 40-7.015   Family Support Division   46 MoReg 1940   46 MoReg 1994     13 CSR 40-7.010   Family Support Division   This Issue   This Issue	13 CSR 35-73.017			46 MoReg 1990		
This Issue				46 MoReg 1994		
13 CSR 40-7.050	13 CSR 40-2.015			46 MoReg 325	46 MoReg 1094W	
13 CSR 40-7.050	13 CSR 40-7.010	Family Support Division	This Issue	46 MoReg 327	46 MoReg 1338W	
13 CSR 65-2.00		* **		This Issue		
13 CSR 65-2.020   Missouri Medicaid and Audit Compliance   46 MoReg 1767     13 CSR 70-1.010   Misouri Medicaid and Audit Compliance   46 MoReg 1772     13 CSR 70-1.010   Misouri Medicaid and Audit Compliance   49 MoReg 1858     13 CSR 70-3.020   MO HealthNet Division   46 MoReg 1973     13 CSR 70-3.020   MO HealthNet Division   46 MoReg 1995     13 CSR 70-3.050   MO HealthNet Division   46 MoReg 1621R     13 CSR 70-3.120   MO HealthNet Division   46 MoReg 1675     13 CSR 70-3.120   MO HealthNet Division   46 MoReg 1675     13 CSR 70-3.170   MO HealthNet Division   46 MoReg 1076   46 MoReg 1875R     13 CSR 70-3.180   MO HealthNet Division   46 MoReg 1076   46 MoReg 1875R     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1715     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1715     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1865     15 CSR 70-4.050   MO HealthNet Division   46 MoReg 1865     16 MoReg 1775     17 CSR 70-4.050   MO HealthNet Division   46 MoReg 1775R     18 CSR 70-4.000   MO HealthNet Division   46 MoReg 1775R     19 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     10 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     10 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     10 CSR 70-4.100   MO HealthNet Division   46 MoReg 1678     10 CSR 70-4.100   MO HealthNet Division   46 MoReg 1678     11 CSR 70-6.020   MO HealthNet Division   46 MoReg 1996     12 CSR 70-10.015   MO HealthNet Division   46 MoReg 1715     13 CSR 70-10.016   MO HealthNet Division   46 MoReg 1715     13 CSR 70-10.016   MO HealthNet Division   46 MoReg 1715     14 MoReg 179   MOREG 1868     15 CSR 70-15.015   MO HealthNet Division   46 MoReg 1715     15 CSR 70-15.015   MO HealthNet Division   46 MoReg 1715     15 CSR 70-15.010   MO HealthNet Division   46 MoReg 1715     15 CSR 70-15.010   MO HealthNet Division   46 MoReg 1715     15 CSR 70-15.010   MO HealthNet Division   46 MoReg 1715     16 MoReg 179   MOREG 1778     17 CSR 70-15.010   MOREG 1879     18 CSR 70-15.010   MOREG 1879   MOREG		Missouri Medicaid and Audit Compliance	Tills Issue	46 MoReg 1763		
13 CSR 70-1.010   MO HealthNet Division   49 MoReg 1858     13 CSR 70-3.020   MO HealthNet Division   46 MoReg 1941   46 MoReg 1995     13 CSR 70-3.050   MO HealthNet Division   46 MoReg 1995     13 CSR 70-3.1050   MO HealthNet Division   46 MoReg 1621R     13 CSR 70-3.1050   MO HealthNet Division   46 MoReg 1675     13 CSR 70-3.140   MO HealthNet Division   46 MoReg 1774     13 CSR 70-3.170   MO HealthNet Division   46 MoReg 1076R   46 MoReg 1875R     13 CSR 70-3.180   MO HealthNet Division   46 MoReg 1076R   46 MoReg 1875R     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1715   46 MoReg 1875     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1865     15 CSR 70-4.050   MO HealthNet Division   46 MoReg 1865     15 CSR 70-4.050   MO HealthNet Division   46 MoReg 1076   46 MoReg 1876     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1678     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1678     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1678     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1678     13 CSR 70-5.020   MO HealthNet Division   46 MoReg 1678     13 CSR 70-10.015   MO HealthNet Division   46 MoReg 1678     13 CSR 70-10.016   MO HealthNet Division   46 MoReg 1888     13 CSR 70-15.015   MO HealthNet Division   46 MoReg 1715   46 MoReg 1899     13 CSR 70-15.000   MO HealthNet Division   46 MoReg 1679     13 CSR 70-15.000   MO HealthNet Division   46 MoReg 1679     13 CSR 70-15.000   MO HealthNet Division   46 MoReg 1679     13 CSR 70-15.000   MO HealthNet Division   46 MoReg 1679     14 MoReg 1679   MOReg 1680     15 CSR 70-15.000   MO HealthNet Division   46 MoReg 1715   46 MoReg 1680     15 CSR 70-15.000   MO HealthNet Division   46 MoReg 1679     16 MoReg 1778   MOREG 1778   MOREG 1778   MOREG 1778     17 MOREG 1778   MOREG 1778   MOREG 1778   MOREG 1778   MOREG 1778   MOREG 1778   MOREG 1		Missouri Medicaid and Audit Compliance		46 MoReg 1767		
13 CSR 70-3.020   MO HealthNet Division   46 MoReg 1941   46 MoReg 1995     13 CSR 70-3.035   MO HealthNet Division   46 MoReg 1941   46 MoReg 1995     13 CSR 70-3.120   MO HealthNet Division   46 MoReg 1675     13 CSR 70-3.140   MO HealthNet Division   46 MoReg 1675     13 CSR 70-3.140   MO HealthNet Division   46 MoReg 1076     13 CSR 70-3.140   MO HealthNet Division   46 MoReg 1076R   46 MoReg 1076     13 CSR 70-3.180   MO HealthNet Division   46 MoReg 1075     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1774     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1774     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1865     13 CSR 70-4.050   MO HealthNet Division   46 MoReg 1775R     13 CSR 70-4.000   MO HealthNet Division   46 MoReg 1076   46 MoReg 1876     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1677     13 CSR 70-4.120   MO HealthNet Division   46 MoReg 1677     13 CSR 70-4.120   MO HealthNet Division   46 MoReg 1678     13 CSR 70-15.015   MO HealthNet Division   46 MoReg 1996     13 CSR 70-10.016   MO HealthNet Division   46 MoReg 1829   46 MoReg 1888     13 CSR 70-15.015   MO HealthNet Division   46 MoReg 1879     13 CSR 70-15.015   MO HealthNet Division   46 MoReg 1869     13 CSR 70-15.015   MO HealthNet Division   46 MoReg 1715     14 MoReg 1679   46 MoReg 1679     15 CSR 70-15.000   MO HealthNet Division   46 MoReg 1679     15 CSR 70-15.000   MO HealthNet Division   46 MoReg 1679     15 CSR 70-15.000   MO HealthNet Division   46 MoReg 1678     15 CSR 70-15.000   MO HealthNet Division   46 MoReg 1680     15 CSR 70-15.000   MO HealthNet Division   46 MoReg 1679     15 CSR 70-15.000   MO HealthNet Division   46 MoReg 1680     15 CSR 70-15.000   MO HealthNet Division   46 MoReg 1680     15 CSR 70-15.000   MO HealthNet Division   46 MoReg 1718     16 MoReg 1718   46 MoReg 1718     17 MoReg 1728   MOREG 1718   MOREG 1718     17 MoReg 1728   MOREG 1728   MOREG 1718     17 MoReg 1728   MOREG 1728   MOREG 1728     17 MoReg	13 CSR 70-1.010			49 MoReg 1772 49 MoReg 1858		·
13 CSR 70-3.120   MO HealthNet Division   46 MoReg 1621R     13 CSR 70-3.120   MO HealthNet Division   46 MoReg 1675     13 CSR 70-3.170   MO HealthNet Division   46 MoReg 1774     13 CSR 70-3.170   MO HealthNet Division   46 MoReg 1076R   46 MoReg 1875R     13 CSR 70-3.180   MO HealthNet Division   46 MoReg 1675     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1774     13 CSR 70-3.260   MO HealthNet Division   46 MoReg 1865	13 CSR 70-3.020	MO HealthNet Division		46 MoReg 1773R		
13 CSR 70-3.120   MO HealthNet Division   46 MoReg 1675     13 CSR 70-3.140   MO HealthNet Division   46 MoReg 1076R   46 MoReg 1875R     13 CSR 70-3.180   MO HealthNet Division   46 MoReg 1675     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1675     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1715     13 CSR 70-3.260   MO HealthNet Division   46 MoReg 1865     13 CSR 70-4.050   MO HealthNet Division   46 MoReg 1775R     13 CSR 70-4.050   MO HealthNet Division   46 MoReg 1076   46 MoReg 1876     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     13 CSR 70-4.110   MO HealthNet Division   46 MoReg 1677     13 CSR 70-4.120   MO HealthNet Division   46 MoReg 1678     13 CSR 70-10.015   MO HealthNet Division   46 MoReg 1996     13 CSR 70-10.015   MO HealthNet Division   46 MoReg 1996     13 CSR 70-10.015   MO HealthNet Division   46 MoReg 1888     13 CSR 70-15.015   MO HealthNet Division   46 MoReg 1868     13 CSR 70-15.015   MO HealthNet Division   46 MoReg 1899     13 CSR 70-15.020   MO HealthNet Division   46 MoReg 1775     13 CSR 70-15.020   MO HealthNet Division   46 MoReg 1775     13 CSR 70-15.020   MO HealthNet Division   46 MoReg 1679     13 CSR 70-15.070   MO HealthNet Division   46 MoReg 1699     13 CSR 70-15.070   MO HealthNet Division   46 MoReg 1699     13 CSR 70-15.070   MO HealthNet Division   46 MoReg 1667     14 MoReg 1679   46 MoReg 1699     15 CSR 70-15.070   MO HealthNet Division   46 MoReg 1618     15 CSR 70-15.070   MO HealthNet Division   46 MoReg 1618     15 CSR 70-15.070   MO HealthNet Division   46 MoReg 1618     15 CSR 70-15.070   MO HealthNet Division   46 MoReg 1618     15 CSR 70-15.070   MO HealthNet Division   46 MoReg 1718     15 CSR 70-15.070   MO HealthNet Division   46 MoReg 1718     15 CSR 70-15.070   MO HealthNet Division   46 MoReg 1718     15 CSR 70-15.070   MO HealthNet Division   46 MoReg 1718     15 CSR 70-15.070   MO HealthNet Division   46 MoReg 1718     15 CSR 70-15.070   MO HealthNet Division   46 MoReg 1718     15 CSR 70-15.070   MO HealthNet Di	13 CSR 70-3.035 13 CSR 70-3.050		46 MoReg 1941	46 MoReg 1995 46 MoReg 1621R		
13 CSR 70-3.170   MO HealthNet Division   46 MoReg 1076R   46 MoReg 1875R     13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1715   46 MoReg 1774     13 CSR 70-3.260   MO HealthNet Division   46 MoReg 1865     13 CSR 70-4.050   MO HealthNet Division   46 MoReg 1775R     13 CSR 70-4.060   MO HealthNet Division   46 MoReg 1076   46 MoReg 1876     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1677     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1678     13 CSR 70-1.001   MO HealthNet Division   46 MoReg 1678     13 CSR 70-10.015   MO HealthNet Division   46 MoReg 1996     13 CSR 70-10.015   MO HealthNet Division   46 MoReg 1829   46 MoReg 1838     13 CSR 70-15.015   MO HealthNet Division   46 MoReg 1715   46 MoReg 1775     13 CSR 70-15.020   MO HealthNet Division   46 MoReg 1715   46 MoReg 1775     13 CSR 70-15.020   MO HealthNet Division   46 MoReg 1715   46 MoReg 1775     13 CSR 70-15.020   MO HealthNet Division   46 MoReg 1679     13 CSR 70-15.040   MO HealthNet Division   46 MoReg 1667   46 MoReg 1680     13 CSR 70-15.010   MO HealthNet Division   46 MoReg 1679     13 CSR 70-15.010   MO HealthNet Division   46 MoReg 1670   46 MoReg 1680     13 CSR 70-15.010   MO HealthNet Division   46 MoReg 1677   46 MoReg 1680     13 CSR 70-15.010   MO HealthNet Division   46 MoReg 1677   46 MoReg 1680     13 CSR 70-15.010   MO HealthNet Division   46 MoReg 1677   46 MoReg 1680     13 CSR 70-15.010   MO HealthNet Division   46 MoReg 1671   46 MoReg 1679     14 CM MOREG 1680   MOREG 1670   MOREG 1680   MOREG 1670   MOREG 1680   MOREG 1670   MOREG 1670   MOREG 1680   MOREG 1670   MOREG	13 CSR 70-3.120	MO HealthNet Division		46 MoReg 1675		
13 CSR 70-3.200   MO HealthNet Division   46 MoReg 1715   46 MoReg 1774     13 CSR 70-3.260   MO HealthNet Division   46 MoReg 1865     13 CSR 70-4.050   MO HealthNet Division   46 MoReg 1775R     13 CSR 70-4.060   MO HealthNet Division   46 MoReg 1076   46 MoReg 1876     13 CSR 70-4.060   MO HealthNet Division   46 MoReg 1676     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1677     13 CSR 70-4.110   MO HealthNet Division   46 MoReg 1677     13 CSR 70-4.120   MO HealthNet Division   46 MoReg 1678     13 CSR 70-10.015   MO HealthNet Division   46 MoReg 1996     13 CSR 70-10.015   MO HealthNet Division   46 MoReg 612   46 MoReg 1338     13 CSR 70-10.016   MO HealthNet Division   46 MoReg 1829   46 MoReg 1868     13 CSR 70-15.015   MO HealthNet Division   46 MoReg 1715   46 MoReg 1775     13 CSR 70-15.020   MO HealthNet Division   46 MoReg 1715   46 MoReg 1679     13 CSR 70-15.040   MO HealthNet Division   46 MoReg 1667   46 MoReg 1999     13 CSR 70-15.040   MO HealthNet Division   46 MoReg 1679     13 CSR 70-15.070   MO HealthNet Division   46 MoReg 1679     13 CSR 70-15.010   MO HealthNet Division   46 MoReg 1679     13 CSR 70-15.010   MO HealthNet Division   46 MoReg 1679     14 MoReg 1778   46 MoReg 1778     15 MOREG 1778   46 MoReg 1778     16 MOREG 1778   46 MoReg 1778     17 MOREG 1778   46 MoReg 1778     18 MOREG 1778   47 MOREG 1778     18 MOREG 1774   47 MOREG 1775     18 MOREG 1775   47 MOREG 1778     18 MOREG 1775   47 MOREG 1				46 MoReg 1774	46 MoReg 1875R	
13 CSR 70-3.260   MO HealthNet Division moved to 13 CSR 70-25.150     13 CSR 70-4.050   MO HealthNet Division   46 MoReg 1775R     13 CSR 70-4.060   MO HealthNet Division   46 MoReg 1076   46 MoReg 1876     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1676     13 CSR 70-4.100   MO HealthNet Division   46 MoReg 1677     13 CSR 70-4.110   MO HealthNet Division   46 MoReg 1678     13 CSR 70-4.120   MO HealthNet Division   46 MoReg 1678     13 CSR 70-10.015   MO HealthNet Division   46 MoReg 1996     13 CSR 70-10.015   MO HealthNet Division   46 MoReg 1829   46 MoReg 612   46 MoReg 1338     13 CSR 70-15.015   MO HealthNet Division   46 MoReg 1715   46 MoReg 1775     13 CSR 70-15.020   MO HealthNet Division   46 MoReg 1715   46 MoReg 1679     13 CSR 70-15.040   MO HealthNet Division   46 MoReg 1667   46 MoReg 1999     13 CSR 70-15.070   MO HealthNet Division   46 MoReg 1667   46 MoReg 1680     13 CSR 70-15.010   MO HealthNet Division   46 MoReg 1718   46 MoReg 1680     13 CSR 70-15.010   MO HealthNet Division   46 MoReg 1718   46 MoReg 1778	13 CSR 70-3.180	MO HealthNet Division		46 MoReg 1675	40 Moreg 1075K	
13 CSR 70-4.050       MO HealthNet Division       46 MoReg 1775R         13 CSR 70-4.060       MO HealthNet Division       46 MoReg 1076         13 CSR 70-4.100       MO HealthNet Division       46 MoReg 1677         13 CSR 70-4.110       MO HealthNet Division       46 MoReg 1677         13 CSR 70-4.120       MO HealthNet Division       46 MoReg 1678         13 CSR 70-6.020       MO HealthNet Division       46 MoReg 1996         13 CSR 70-10.015       MO HealthNet Division       46 MoReg 612       46 MoReg 1338         13 CSR 70-10.016       MO HealthNet Division       46 MoReg 1829       46 MoReg 1775         13 CSR 70-15.015       MO HealthNet Division       46 MoReg 1775       46 MoReg 1775         13 CSR 70-15.020       MO HealthNet Division       46 MoReg 1775       46 MoReg 1679         13 CSR 70-15.040       MO HealthNet Division       46 MoReg 1667       46 MoReg 1999         13 CSR 70-15.070       MO HealthNet Division       46 MoReg 1679       46 MoReg 1680         13 CSR 70-15.010       MO HealthNet Division       46 MoReg 167       46 MoReg 1778		MO HealthNet Division  MO HealthNet Division	46 MoReg 1715			
13 CSR 70-4.060       MO HealthNet Division       46 MoReg 1076       46 MoReg 1876         13 CSR 70-4.100       MO HealthNet Division       46 MoReg 1677         13 CSR 70-4.110       MO HealthNet Division       46 MoReg 1677         13 CSR 70-4.120       MO HealthNet Division       46 MoReg 1678         13 CSR 70-6.020       MO HealthNet Division       46 MoReg 1996         13 CSR 70-10.015       MO HealthNet Division       46 MoReg 612       46 MoReg 1338         13 CSR 70-10.016       MO HealthNet Division       46 MoReg 1829       46 MoReg 1868         13 CSR 70-15.015       MO HealthNet Division       46 MoReg 1715       46 MoReg 1679         13 CSR 70-15.020       MO HealthNet Division       46 MoReg 1679         13 CSR 70-15.040       MO HealthNet Division       46 MoReg 1680         13 CSR 70-15.010       MO HealthNet Division       46 MoReg 1680         13 CSR 70-15.010       MO HealthNet Division       46 MoReg 1718		moved to 13 CSR 70-25.150		_		
13 CSR 70-4.100       MO HealthNet Division       46 MoReg 1676         13 CSR 70-4.110       MO HealthNet Division       46 MoReg 1677         13 CSR 70-4.120       MO HealthNet Division       46 MoReg 1678         13 CSR 70-6.020       MO HealthNet Division       46 MoReg 1996         13 CSR 70-10.015       MO HealthNet Division       46 MoReg 612       46 MoReg 1338         13 CSR 70-10.016       MO HealthNet Division       46 MoReg 1829       46 MoReg 1868         13 CSR 70-15.015       MO HealthNet Division       46 MoReg 1715       46 MoReg 1775         13 CSR 70-15.020       MO HealthNet Division       46 MoReg 1679         13 CSR 70-15.040       MO HealthNet Division       46 MoReg 1699         13 CSR 70-15.070       MO HealthNet Division       46 MoReg 1680         13 CSR 70-15.100       MO HealthNet Division       46 MoReg 1718	13 CSK /0-4.050 13 CSR 70-4.060	MO HealthNet Division		46 MoReg 1076	46 MoReg 1876	
13 CSR 70-4.120       MO HealthNet Division       46 MoReg 1678         13 CSR 70-6.020       MO HealthNet Division       46 MoReg 1996         13 CSR 70-10.015       MO HealthNet Division       46 MoReg 612       46 MoReg 1338         13 CSR 70-10.016       MO HealthNet Division       46 MoReg 1829       46 MoReg 1868         13 CSR 70-15.015       MO HealthNet Division       46 MoReg 1715       46 MoReg 1775         13 CSR 70-15.020       MO HealthNet Division       46 MoReg 1679         13 CSR 70-15.040       MO HealthNet Division       46 MoReg 1667       46 MoReg 1680         13 CSR 70-15.070       MO HealthNet Division       46 MoReg 1718       46 MoReg 1778	13 CSR 70-4.100	MO HealthNet Division		46 MoReg 1676		
13 CSR 70-6.020       MO HealthNet Division       46 MoReg 1996         13 CSR 70-10.015       MO HealthNet Division       46 MoReg 612       46 MoReg 1338         13 CSR 70-10.016       MO HealthNet Division       46 MoReg 1829       46 MoReg 1868         13 CSR 70-15.015       MO HealthNet Division       46 MoReg 1715       46 MoReg 1775         13 CSR 70-15.020       MO HealthNet Division       46 MoReg 1679         13 CSR 70-15.040       MO HealthNet Division       46 MoReg 1999         13 CSR 70-15.070       MO HealthNet Division       46 MoReg 1680         13 CSR 70-15.110       MO HealthNet Division       46 MoReg 1718	13 CSK 70-4.110 13 CSR 70-4.120			46 MoReg 1678		
13 CSR 70-10.016       MO HealthNet Division       46 MoReg 1829       46 MoReg 1868         13 CSR 70-15.015       MO HealthNet Division       46 MoReg 1715       46 MoReg 1775         13 CSR 70-15.020       MO HealthNet Division       46 MoReg 1679         13 CSR 70-15.040       MO HealthNet Division       46 MoReg 1999         13 CSR 70-15.070       MO HealthNet Division       46 MoReg 1667       46 MoReg 1680         13 CSR 70-15.110       MO HealthNet Division       46 MoReg 1718       46 MoReg 1778	13 CSR 70-6.020	MO HealthNet Division		46 MoReg 1996	46 MaDr : 1220	
13 CSR 70-15.020       MO HealthNet Division       46 MoReg 1679         13 CSR 70-15.040       MO HealthNet Division       46 MoReg 1999         13 CSR 70-15.070       MO HealthNet Division       46 MoReg 1667       46 MoReg 1680         13 CSR 70-15.110       MO HealthNet Division       46 MoReg 1718       46 MoReg 1778	13 CSR 70-10.016		46 MoReg 1829	46 MoReg 612 46 MoReg 1868	40 Mokeg 1338	
13 CSR 70-15.040       MO HealthNet Division       46 MoReg 1999         13 CSR 70-15.070       MO HealthNet Division       46 MoReg 1667       46 MoReg 1680         13 CSR 70-15.110       MO HealthNet Division       46 MoReg 1718       46 MoReg 1778	13 CSR 70-15.015	MO HealthNet Division		46 MoReg 1775		
13 CSR 70-15.070 MO HealthNet Division 46 MoReg 1667 46 MoReg 1680 13 CSR 70-15.110 MO HealthNet Division 46 MoReg 1718 46 MoReg 1778	13 CSR /0-15.020 13 CSR 70-15.040			46 MoReg 16/9 46 MoReg 1999		
13 CSR 70-15.100 MO HealthNet Division 46 MoReg 17/8 46 MoReg 1876  13 CSR 70-15.160 MO HealthNet Division 46 MoReg 1578 46 MoReg 937 46 MoReg 1876	13 CSR 70-15.070	MO HealthNet Division	46 MoReg 1667	46 MoReg 1680		
	13 CSR 70-15.110 13 CSR 70-15.160			46 MoReg 937	46 MoReg 1876	

					VOI. 40, IVO. 22
Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 70-20.050	MO HealthNet Division		46 MoReg 1077	46 MoReg 1879	
13 CSR 70-20.070 13 CSR 70-20.075	MO HealthNet Division MO HealthNet Division	46 MoReg 904 46 MoReg 905	46 MoReg 944 46 MoReg 944	46 MoReg 1879 46 MoReg 1880	
13 CSR 70-25.110	MO HealthNet Division	10 Moraeg 202	46 MoReg 623	46 MoReg 1339	
13 CSR 70-25.150	MO HealthNet Division formerly 13 CSR 70-3.260		46 MoReg 1865		
13 CSR 70-40.010	MO HealthNet Division		46 MoReg 702	46 MoReg 1686	
13 CSR 70-50.010 13 CSR 70-55.010	MO HealthNet Division MO HealthNet Division		46 MoReg 1590 46 MoReg 1591		
13 CSR 70-65.010	MO HealthNet Division		46 MoReg 1685		
13 CSR 70-70.010 13 CSR 70-90.010	MO HealthNet Division MO HealthNet Division	46 MaPag 601	46 MoReg 1621 46 MoReg 624		
15 CSK 70-50.010	WO Heatunger Division	46 MoReg 601 46 MoReg 999T		46 MoReg 1339 W	
13 CSR 70-94.020	MO HealthNet Division	This Issue	This Issue 46 MoReg 863	46 MoReg 1805	
13 CSR 70-100.010	MO HealthNet Division		46 MoReg 2002		
	ELECTED OFFICIALS				
15 CSR 30-55.060 15 CSR 30-55.065	Secretary of State Secretary of State		46 MoReg 948 46 MoReg 948	46 MoReg 1637 46 MoReg 1637	
15 CSR 40-3.125	State Auditor	46 MoReg 909	46 MoReg 948	46 MoReg 1687	
15 CSR 40-3.135 15 CSR 50-4.010	State Auditor Treasurer	46 MoReg 917	46 MoReg 956 This Issue	46 MoReg 1687	
15 CSR 50-4.010 15 CSR 50-4.020	Treasurer		This Issue		
15 CSR 50-4.030	Treasurer		This Issue		
4.6 GGD 40 4 005	RETIREMENT SYSTEMS The Public School Retirement System of				
16 CSR 10-4.007	The Public School Retirement System of Missouri		46 MoReg 1622		
16 CSR 10-6.015	The Public School Retirement System of				
16 CSR 20-4.010	Missouri Local Government Employees'		46 MoReg 1622		
	Retirement System (LAGERS)		46 MoReg 1591		
10 000 10 1 000	DEPARTMENT OF HEALTH AND SENIO	R SERVICES	4634 D #04	46 N. D. 460	
19 CSR 10-4.020 19 CSR 20-1.030	Office of the Director Division of Community and Public Health	46 MoReg 1835	46 MoReg 704 46 MoReg 1302	46 MoReg 1637 46 MoReg	
19 CSR 30-1 002	Division of Regulation and Licensure	46 MoReg 1941	46 MoReg 2004	<u> </u>	
19 CSR 30-20.100 19 CSR 30-20.125	Division of Regulation and Licensure Division of Regulation and Licensure		46 MoReg 1456	This Issue	This Issue
19 CSR 30-30.060	Division of Regulation and Licensure	46 MoReg 1954	46 MoReg 2016		
19 CSR 30-60	Division of Regulation and Licensure moved to 5 CSR 25-300				46 MoReg 1641
19 CSR 30-61	moved to 5 CSR 25-300 Division of Regulation and Licensure moved to 5 CSR 25-400				46 MoReg 1642
19 CSR 30-62	Division of Regulation and Licensure				46 MoReg 1642
19 CSR 30-63	moved to 5 CSR 25-500 Division of Regulation and Licensure				46 MoReg 1642
	moved to 5 CSR 25-600				40 Moneg 1042
19 CSR 30-81.030	Division of Regulation and Licensure	This Issue	46 MoReg 334 This Issue	46 MoReg 1339	
19 CSR 30-82.050	Division of Regulation and Licensure	46 MoReg 1725	46 MoReg 1785	This Issue	
19 CSR 30-84.010 19 CSR 30-85.042	Division of Regulation and Licensure Division of Regulation and Licensure	46 MoReg 1136	46 MoReg 1306 46 MoReg 1334	This Issue	
19 CSR 60-50	Missouri Health Facilities Review Committee				46 MoReg 1642 46 MoReg 1689 46 MoReg 1806
					46 MoReg 1806
					46 MoReg 2025 This Issue
	DEPARTMENT OF COMMERCE AND IN	CUDANCE			
20 CSR	Applied Behavior Analysis Maximum Benefit	SURANCE			44 MoReg 855
20 CSR 20 CSR	Construction Claims Binding Arbitration Cap Non-Economic Damages in Medical Malpract	ice Can			45 MoReg 1978 43 MoReg 1376
20 CSR	Sovereign Immunity Limits	ice cup			45 MoReg 1978
20 CSR 20 CSR 200-2.100	State Legal Expense Fund Cap Insurance Solvency and Company Regulation		46 MoReg 1786		45 MoReg 1978
20 CSR 200-2.900	Insurance Solvency and Company Regulation		46 MoReg 1797		
20 CSR 200-11.101 20 CSR 200-22.010	Insurance Solvency and Company Regulation Insurance Solvency and Company Regulation		46 MoReg 1800 46 MoReg 870	46 MoReg 1638	
20 CSR 500-2.600	Property and Casualty		46 MoReg 1801	40 Moreg 1030	
20 CSR 1135 20 CSR 1140	State Banking Board Division of Finance				46 MoReg 1349 46 MoReg 1349
20 CSR 1140-4.020	Division of Finance				46 MoReg 1350
20 CSR 1140-4.030 20 CSR 2010-2.061	Division of Finance Missouri State Board of Accountancy		46 MoReg 1337	46 MoReg 2024	46 MoReg 1350
20 CSR 2010-2.100	Missouri State Board of Accountancy		This Issue	10 1/10100 2021	
20 CSR 2030-4.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and				_
30 COB 3030 C 015	Professional Landscape Architects		46 MoReg 1458	This Issue	
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and				
20 CCD 2020 C 020	Professional Landscape Architects Missouri Board for Architects, Professional		46 MoReg 1459	This Issue	
20 CSR 2030-6.020	Engineers, Professional Land Surveyors, and				
20 CSR 2030-13.010	Professional Landscape Architects Missouri Board for Architects, Professional		46 MoReg 1874		
20 CSK 2030-13.010	Engineers, Professional Land Surveyors, and				
20 CSR 2030-13.020	Professional Landscape Architects Missouri Board for Architects, Professional		46 MoReg 1459	This Issue	
20 CSR 2030-13.020	Engineers Professional Land Surveyors and		4634 5 445	mi . v	
20 CSR 2040-2.021	Professional Landscape Architects Office of Athletics		46 MoReg 1459 This Issue	This Issue	
20 CSR 2040-5.040	Office of Athletics		46 MoReg 1623		
20 CSR 2040-5.060	Office of Athletics		46 MoReg 1623		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2063-6.005	Behavior Analyst Advisory Board		46 MoReg 964	46 MoReg 1687	
20 CSR 2120-2.100	State Board of Embalmers and Funeral Dire		46 MoReg 1077	46 MoReg 1881	
20 CSR 2120-3.400	State Board of Embalmers and Funeral Dire		46 MoReg 870R	46 MoReg 1638R	
20 CSR 2120-3.405	State Board of Embalmers and Funeral Direct	ctors	46 MoReg 870R 46 MoReg 871	46 MoReg 1639R 46 MoReg 1639	
20 CSR 2120-3.410	State Board of Embalmers and Funeral Dire	ctors	46 MoReg 874R	46 MoReg 1639R	
20 CSR 2150-2.030	State Board of Registration for the Healing Arts				46 MoReg 1690
20 CSR 2150-2.200	State Board of Registration for the Healing				
	Arts	46 MoReg 1837			
20 CSR 2220-2.016	State Board of Pharmacy		46 MoReg 874R	46 MoReg 1687R	
			46 MoReg 874	46 MoReg 1687	
20 CSR 2220-2.200	State Board of Pharmacy	46 MoReg 853	46 MoReg 878	46 MoReg 1688	
20 CSR 2220-2.650	State Board of Pharmacy		46 MoReg 1802		
20 CSR 2232-1.020	Missouri State Committee of Interpreters		46 MoReg 964	46 MoReg 1688	
20 CSR 2234-1.050	Board of Private Investigator and Private Fire				
	Investigator Examiners		46 MoReg 764	46 MoReg 1639	
20 CSR 2245-2.020	Real Estate Appraisers		46 MoReg 1081	46 MoReg 1881	
20 CSR 2245-10.010	Real Estate Appraisers		This Issue	-	
20 CSR 2250-2.040	Missouri Real Estate Commission		46 MoReg 2017		
20 CSR 2250-8.070	Missouri Real Estate Commission		46 MoReg 2018		
20 CSR 2255-2.010	Missouri Board for Respiratory Care				46 MoReg 1643
20 CSR 2255-2.060	Missouri Board for Respiratory Care				46 MoReg 1643
20 CSR 4240-40.020			46 MoReg 1460		
20 CSR 4240-40.030			46 MoReg 1463		
20 CSR 4240-40.080			46 MoReg 1477		
	0 Public Service Commission		46 MoReg 1624		
	0 Public Service Commission		46 MoReg 1626		
	0 Public Service Commission		46 MoReg 1628		
	0 Public Service Commission		46 MoReg 1630		
20 CSR 4240-125.05	Public Service Commission		46 MoReg 1632R		

# **Emergency Rule Table**

November 15, 2021 Vol. 46, No. 22

Agency	Publication	n Effective	Expiration
Office of Admini	Administration	70	•
1 CSR 10-15.010	Cafeteria Plan	73 July 9, 2021	Jan. 1, 2022
Department of A	griculture		
Plant Industries 2 CSR 70-17.010 2 CSR 70-17.100	Definitions		
Department of F	llementary and Secondary Education		
Division of Learnii			Dec. 31, 2021
Department of H Commissioner of H	ligher Education and Workforce Development		
6 CSR 10-2.190	A+ Scholarship Program	3 May 12, 2021	Feb. 21, 2022
Department of L	abor and Industrial Relations		
Division of Worker 8 CSR 10-3.160	es' Compensation Waiver of Recovery of Overpayments Under the Coronavirus		
6 CSK 10-3.100	Aid, Relief and Economic Security Act (CARES),		
	as Amended	75 July 19, 2021	Feb. 24, 2022
Department of P			
Missouri 911 Servi 11 CSR 90-2.010	ce Board Definitions	3 Sept 15 2021	March 13 2022
	_		
Department of R Director of Revenu	devenue		
	Dealer Administrative Fees and System Modernization 46 MoReg 171	3 Sept. 2, 2021	Feb. 28, 2022
12 CSR 10-41.010	Annual Adjusted Rate of Interest	Jan. 1, 2022	June 29, 2022
Department of S			
Children's Divisior 13 CSR 35-30.020		IO Δυσ 2 2021	Feb. 24, 2022
13 CSR 35-30.030	Temporary Alternative Placement Agreements (TAPA) 46 MoReg 104		
13 CSR 35-35.100	Response and Evaluation Process for Case Management of Children in Foster Care	0 July 1 2021	Eab 24 2022
13 CSR 35-35.120	Foster Care Case Management Contracts		
13 CSR 35-35.130	Contracted Foster Care Case Management Costs		
13 CSR 35-35.140	Accreditation as Evidence for Meeting Licensing Requirements	4 July 1, 2021	Feb. 24, 2022
13 CSR 35-71.010	Definitions and Principles Generally Applicable to this		
13 CSR 35-71.015	Chapter	0/ Oct. 1, 2021	March 29, 2022
	Facilities and Child Placing Agencies	09 Oct. 1, 2021	March 29, 2022
13 CSR 35-71.020	Basic Residential Treatment for Children and Youth Core Requirements (Applicable To All Agencies)-Basis for		
	Licensure and Licensing Procedures		
13 CSR 35-71.030 13 CSR 35-71.045	Hearings and Judicial Review		
13 CSR 35-71.043	Notification Requirements for License-Exempt Residential		
12 CCD 25 72 010	Care Facilities		
13 CSR 35-73.010 13 CSR 35-73.012	Scope and Definitions		
13 CSR 35-73.017	Hearings and Judicial Review	36 Oct. 1, 2021	March 29, 2022
13 CSR 35-73.030 13 CSR 35-73.035	Personnel Practices and Personnel		
Family Support Di	vision		
13 CSR 40-2.015	Authorized Representatives		
13 CSR 40-7.010 13 CSR 40-7.050	Scope and Definitions		
MO HealthNet Div	vision	,	, , , , , , ,
しょ じいい フハ ス ハスだ	Violations Attested to by the Department of Health and		
13 CSR 70-3.035	Senior Services	11 Oct 18 2021	April 15 2023

Agency		Publicat	ion E	fective	Expiration
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV				
13 CSR 70-20.031	Nursing Facility Reimbursement Rates List of Drugs for Which Prior Authorization Is Required and Drugs Excluded from Coverage Under the MO		-		
13 CSR 70-15.015 13 CSR 70-15.070	HealthNet Pharmacy Program  Direct Medicaid Payments  Inpatient Psychiatric Services for Individuals Under Age Twenty-One	.46 MoReg 1	1715 Sep	t. 10, 2021	March 8, 2022
13 CSR 70-15.110 13 CSR 70-15.160 13 CSR 70-20.070 13 CSR 70-20.075 13 CSR 70-90.010	Federal Reimbursement Allowance (FRA) Outpatient Hospital Services Reimbursement Methodology Drug Reimbursement Methodology 340B Drug Pricing Program Home Health-Care Services	.46 MoReg 1 .46 MoReg 2 .46 MoReg 9	1718Sep 1578Jul 904Ju 905Ju	t. 10, 2021 y 20, 2021 ily 1, 2021 ily 1, 2021	March 8, 2022 Feb. 24, 2022 Feb. 24, 2022 Feb. 24, 2022
Elected Officials State Auditor 15 CSR 40-3.125	Calculation and Revision of Property Tax Rates by				
15 CSR 40-3.135	School Districts	_		-	
Department of H Division of Regulat 19 CSR 30-1.002 19 CSR 30-30.060 19 CSR 30-81.030 19 CSR 30-82.050 19 CSR 30-84.010	tealth and Senior Services tion and Licensure Schedules of Controlled Substances Standards for the Operation of the Abortion Facilities Evaluation and Assessment Measures for Title XIX Recipients Transfer and Discharge Procedures Nursing Assistant Training Program	.46 MoReg 1 .This Issue46 MoReg 1	Oc Sep	t. 13, 2021 t. 29, 2021 t. 16, 2021	April 10, 2022 April 26, 2022 March 14, 2022
State Board of Reg 20 CSR 2150-2.200 State Board of Pha	ommerce and Insurance cistration for the Healing Arts  Assistant Physician—Application for Licensure		•		
	dated Health Care Plan				
Health Care Plan 22 CSR 10-2.053 22 CSR 10-2.055 22 CSR 10-2.089	Sterile Compounding	.Next Issue	Ja	n. 1, 2022	June 29, 2022
22 CSR 10-2.090 22 CSR 10-2.140	Primary Members	.Next Issue	Ja	n. 1, 2022	June 29, 2022
22 CSR 10-3.055	Health Savings Account Plan Benefit Provisions and				
22 CSR 10-3.057 22 CSR 10-3.090	Covered Charges	.Next Issue	Ja	n. 1, 2022	June 29, 2022

Missouri	<b>Executive</b>	Orders	November 15, 2021
REGISTER		Oi aci 3	Vol. 46, No. 22

Executive Orders	Subject Matter	Filed Date	Publication
Orucis	Subject Matter	THEU DAIL	1 uviicativii
	<u>2021</u>		
21-10	Orders steps to oppose federal COVID-19 vaccine mandates within all agencies, boards, commissions, and other entities within the executive		
21.00	branch of state government.	October 28, 2021	Next Issue
21-09	Terminates the state of emergency declared in Executive Order 20-02, declares a state of emergency, suspends certain regulations related to telemedicine and physical presence for executing documents, and allows state		
21-08	agencies to waive some regulatory requirements.  Designates members of his staff to have supervisory authority over	August 27, 2021	46 MoReg 1727
	departments, divisions and agencies of state government	August 10, 2021	46 MoReg 1673
Proclamation	Convenes the First Extra Session of the First Regular Session of the One Hundred and First General Assembly for extending the Federal Reimbursemen Allowances (FRA) and related allowances, taxes, and assessments necessary for funding MO HealthNet	June 22, 2021	46 MoReg 1447
21-07	Extends Executive Order 20-02, Executive Order 20-04, Executive Order		
21-06	20-05, Executive Order 20-06, and Executive Order 20-14 until August 31, 2021  Creates and establishes the Show Me Strong Recovery Task Force and	March 26, 2021	46 MoReg 750
21-00	rescinds Executive Order	March 22, 2021	46 MoReg 748
21-05	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 24, 2021	46 MoReg 605
21-04	Extends Executive Order 21-03 until February 28, 2021 and terminates Executive Order 20-17.	February 19, 2021	46 MoReg 603
21-03	Declares a State of Emergency and exempts hours of service requirements for vehicles transporting residential heating fuel until February 21, 2021	February 11, 2021	46 MoReg 495
21-02	Establishes the Office of Childhood within the Department of	Ionuam: 29, 2021	46 MaDag 204
21-01	Elementary and Secondary Education  Terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06	January 28, 2021 January 7, 2021	46 MoReg 394 46 MoReg 314
	<u>2020</u>		
20-21	Modifies the provisions of the Missouri Justice Reinvestment Executive Oversight Council, as established in Executive Order 18-08	December 30, 2020	46 MoReg 185
20-20	Closes state offices December 24, 2020	December 7, 2020	46 MoReg 46
20-19	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia until March 31, 2021. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	November 19, 2020	46 MoReg 7
Proclamation	Adds additional measures for consideration during the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	November 12, 2020	45 MoReg 1953
20-18	Closes state offices November 27, 2020	October 30, 2020	45 MoReg 1955 45 MoReg 1862
Proclamation	Convenes the Second Extra Session of the Second Regular Session of the		
	One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	October 21, 2020	45 MoReg 1860
20-17	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	September 24, 2020	45 MoReg 1656
20-16	Extends Executive Order 20-12 regarding the activation of the state militia	<u> </u>	
20-15	until December 30, 2020 Establishes the Interagency Task Force on Worker Classification	September 15, 2020 September 11, 2020	45 MoReg 1562 45 MoReg 1559
20-14	Suspends the requirement of physical appearance as stated in Chapter 474	•	
Proclamation	by authorizing the use of audio-visual technology  Amends the matters specifically designated and limited for consideration  by the Congress Assembly in the July 15, 2020 Proplementian	September 3, 2020	45 MoReg 1557
20-13	by the General Assembly in the July 15, 2020 Proclamation  Extends Executive Order 18-12 regarding the 2020 Census until  November 30, 2020	August 10, 2020	45 MoReg 1338
Proclamation	November 30, 2020 Convenes the one hundredth general assembly of the State of Missouri in the First Extra Session of the Second Regular Session	July 31, 2020 July 15, 2020	45 MoReg 1303 45 MoReg 1220
		,,	

Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08  20-11 Declares a State of Emergency and activates the state militia due to civil unrest in Missouri  Calls for a special election on August 4th of 2020  Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020  Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020  Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated  April 24, 2020  Extends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology  April 6, 2020  Extends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology  April 6, 2020  April 6, 2020  April 6, 2020  April 7, 2020  Extends the requirement of personal appearance before a motary public by authorizing the use of audio-video technology  April 2, 2020  April 6, 2020  April 6, 2020  April 7, 2020  April 7, 2020  Extends the state militia in response to the COVID-19 pandemic  Barrie Activates the state militia in response to the COVID-19 pandemic  April 7, 2020  Extends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency  Extends Executive Orders 20-02  Extends Executive Orders 20-03  Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020  April 7, 2020 until June 2, 2020  Declares a State of Emergency and directs the Missouri State Emergency  Operations Plan be activated  Designates supervisory authority over select departments, divisions, or agencies of government  Extends Executive Orders 20-08  Extends Executive Orders 20-09  April 7, 2020  April 7, 2020  Extends Executi	Executive Orders	Subject Matter	Filed Date	Publication
in whole, Executive Orders 20-05, 20-06, and 20-08  20-11  Declares a State of Emergency and activates the state militia due to civil unrest in Missouri  Calls for a special election on August 4th of 2020  Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020  Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated  Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology  Activates the state militia in response to the COVID-19 pandemic  Activates the state militia in response to the COVID-19 pandemic  Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency  Buspends certain agency regulations to allow them to address the current state of emergency  Proclamation  April 2, 2020  April 6, 2020  April 6, 2020  April 6, 2020  April 6, 2020  April 7, 2020  April 2, 2020  April	20-12	Plan and activation of the state militia. Gov. Michael Parson also extends,		
Declares a State of Emergency and activates the state militia due to civil unrest in Missouri  Proclamation Calls for a special election on August 4th of 2020  Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020  Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated  April 24, 2020  April 6, 2020  April 6, 2020  April 2900  Extends the state militia in response to the COVID-19 pandemic  Activates the state militia in response to the COVID-19 pandemic  Buspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency  Suspends certain agency regulations to allow them to address the current state of emergency  Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020  Declares a State of Emergency and directs the Missouri State Emergency  Designates supervisory authority over select departments, divisions,		1 ' 1	June 11 2020	45 MoReg 1064
civil unrest in Missouri  Calls for a special election on August 4th of 2020  Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until  June 15, 2020  Extends the State of Emergency declared in Executive Order 20-02 until  June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated  Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology  April 24, 2020 45 MoReg 789  20-08 Waives late penalties for concealed carry permits for 60 days  April 2, 2020 45 MoReg 718  20-06 Activates the state militia in response to the COVID-19 pandemic  March 27, 2020 45 MoReg 587  20-05 Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency  Suspends certain agency regulations to allow them to address the current state of emergency  Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020  Declares a State of Emergency and directs the Missouri State Emergency  Operations Plan be activated  Designates supervisory authority over select departments, divisions,	20-11		June 11, 2020	15 Workey 1001
Proclamation Calls for a special election on August 4th of 2020 May 26, 2020 45 MoReg 988  20-10 Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020 Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated April 24, 2020 45 MoReg 789  20-08 Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology April 6, 2020 45 MoReg 718  20-07 Waives late penalties for concealed carry permits for 60 days April 2, 2020 45 MoReg 716  20-06 Activates the state militia in response to the COVID-19 pandemic March 27, 2020 45 MoReg 587  20-05 Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency March 23, 2020 45 MoReg 585  20-04 Suspends certain agency regulations to allow them to address the current state of emergency March 18, 2020 45 MoReg 583  20-03 Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020 March 18, 2020 45 MoReg 580  20-02 Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated March 13, 2020 45 MoReg 529  20-01 Designates supervisory authority over select departments, divisions,		e ;	May 30, 2020	45 MoReg 990
Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020  Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated  April 24, 2020  Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology  April 6, 2020  April 6, 2020  April 6, 2020  April 6, 2020  April 7, 2020  April 8 MoReg 718  April 2, 2020  April 9, 2020	Proclamation	Calls for a special election on August 4th of 2020		45 MoReg 988
Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated  20-08  Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology  April 6, 2020  April 6, 2020  45 MoReg 718  20-07  Waives late penalties for concealed carry permits for 60 days  April 2, 2020  April 3, 2020  April 45 MoReg 583  April 6, 2020  A	20-10		•	
June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated  20-08 Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology  20-07 Waives late penalties for concealed carry permits for 60 days  20-06 Activates the state militia in response to the COVID-19 pandemic  20-05 Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency  20-04 Suspends certain agency regulations to allow them to address the current state of emergency  20-03 Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020  20-04 Declares a State of Emergency and directs the Missouri State Emergency  Operations Plan be activated  March 13, 2020  45 MoReg 580  45 MoReg 580  45 MoReg 580  45 MoReg 580  46 MoReg 580  47 MoReg 580  48 MoReg 580  49 MoReg 580  40 March 18, 2020  March 18, 2020  40 March 18, 2020  41 MoReg 580  42 MoReg 580  43 MoReg 580  44 MoReg 580  45 MoReg 580		June 15, 2020	May 4, 2020	45 MoReg 895
to remain activated  20-08 Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology April 6, 2020 April 7, 2020 April 2, 2020 April 6, 2020 April 2, 2020 April 3, 2020 April 3, 2020 April 6, 2020 April 6, 2020 April 6, 2020 April 2, 2020 April 2, 2020 April 2, 2020 April 3, 2020 April 3, 2020 April 3, 2020 April 7, 2020 until June 2, 2020 April 7, 2020 until June 2, 2020 April 7, 2020 until June 2, 2020 April 7, 2020 until 3pril 2, 2020 April 3, 2020 April 45 MoReg 529 April 2, 2020 April 6, 2020 April 2, 2020 April 2, 2020 April 2, 2020 April 3, 2020 April 45 MoReg 520 April 6, 2020 April 2, 2	20-09			
20-08 Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology  20-07 Waives late penalties for concealed carry permits for 60 days  April 6, 2020  45 MoReg 718  20-06 Activates the state militia in response to the COVID-19 pandemic  March 27, 2020  45 MoReg 587  20-05 Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency  March 23, 2020  45 MoReg 587  20-04 Suspends certain agency regulations to allow them to address the current state of emergency  March 18, 2020  45 MoReg 585  20-03 Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020  March 18, 2020  March 18, 2020  45 MoReg 580  20-02 Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated  Designates supervisory authority over select departments, divisions,				
authorizing the use of audio-video technology  20-07 Waives late penalties for concealed carry permits for 60 days  April 6, 2020 45 MoReg 718  20-06 Activates the state militia in response to the COVID-19 pandemic  Darch 27, 2020 45 MoReg 587  20-05 Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency  March 23, 2020 45 MoReg 585  20-04 Suspends certain agency regulations to allow them to address the current state of emergency  March 18, 2020 45 MoReg 583  20-03 Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020  Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated  Designates supervisory authority over select departments, divisions,			April 24, 2020	45 MoReg 789
20-07 Waives late penalties for concealed carry permits for 60 days April 2, 2020 45 MoReg 716 20-06 Activates the state militia in response to the COVID-19 pandemic March 27, 2020 45 MoReg 587 20-05 Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency March 23, 2020 45 MoReg 585 20-04 Suspends certain agency regulations to allow them to address the current state of emergency March 18, 2020 45 MoReg 583 20-03 Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020 March 18, 2020 45 MoReg 580 20-02 Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated March 13, 2020 45 MoReg 529 20-01 Designates supervisory authority over select departments, divisions,	20-08			
20-06 Activates the state militia in response to the COVID-19 pandemic March 27, 2020 45 MoReg 587  20-05 Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency March 23, 2020 45 MoReg 585  20-04 Suspends certain agency regulations to allow them to address the current state of emergency March 18, 2020 45 MoReg 583  20-03 Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020 March 18, 2020 45 MoReg 580  20-02 Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated March 13, 2020 45 MoReg 529  20-01 Designates supervisory authority over select departments, divisions,		authorizing the use of audio-video technology	April 6, 2020	45 MoReg 718
20-05 Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency March 23, 2020 45 MoReg 585  20-04 Suspends certain agency regulations to allow them to address the current state of emergency March 18, 2020 45 MoReg 583  20-03 Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020 March 18, 2020 45 MoReg 580  20-02 Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated March 13, 2020 45 MoReg 529  20-01 Designates supervisory authority over select departments, divisions,	20-07		April 2, 2020	45 MoReg 716
to the public during the current state of emergency March 23, 2020 45 MoReg 585  20-04 Suspends certain agency regulations to allow them to address the current state of emergency March 18, 2020 45 MoReg 583  20-03 Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020 March 18, 2020 45 MoReg 580  20-02 Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated March 13, 2020 45 MoReg 529  20-01 Designates supervisory authority over select departments, divisions,	20-06	Activates the state militia in response to the COVID-19 pandemic	March 27, 2020	45 MoReg 587
20-04 Suspends certain agency regulations to allow them to address the current state of emergency March 18, 2020 45 MoReg 583  20-03 Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020 March 18, 2020 45 MoReg 580  20-02 Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated March 13, 2020 45 MoReg 529  20-01 Designates supervisory authority over select departments, divisions,	20-05	Suspends the prohibition of the sale of unprepared food by restaurants		
the current state of emergency  Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020  Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated  March 18, 2020  45 MoReg 580  March 18, 2020  45 MoReg 580  March 13, 2020  45 MoReg 529  Designates supervisory authority over select departments, divisions,		to the public during the current state of emergency	March 23, 2020	45 MoReg 585
Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020  Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated  March 13, 2020  45 MoReg 580  March 13, 2020  45 MoReg 529  Designates supervisory authority over select departments, divisions,	20-04	Suspends certain agency regulations to allow them to address		
April 7, 2020 until June 2, 2020 March 18, 2020 45 MoReg 580  20-02 Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated March 13, 2020 45 MoReg 529  20-01 Designates supervisory authority over select departments, divisions,		the current state of emergency	March 18, 2020	45 MoReg 583
20-02 Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated March 13, 2020 45 MoReg 529  20-01 Designates supervisory authority over select departments, divisions,	20-03	Postpones the General Municipal Election scheduled for		
Operations Plan be activated March 13, 2020 45 MoReg 529  20-01 Designates supervisory authority over select departments, divisions,			March 18, 2020	45 MoReg 580
Operations Plan be activated March 13, 2020 45 MoReg 529  20-01 Designates supervisory authority over select departments, divisions,	20-02	Declares a State of Emergency and directs the Missouri State Emergency		
		Operations Plan be activated	March 13, 2020	45 MoReg 529
or agencies of government Feb. 03, 2020 45 MoReg 352	20-01	Designates supervisory authority over select departments, divisions,		
		or agencies of government	Feb. 03, 2020	45 MoReg 352

The rule number and the MoReg publication date follow each entry to this index.

#### ADMINISTRATION, OFFICE OF

cafeteria plan; 1 CSR 10-15.010; 8/2/21 leaves of absence; 1 CSR 20-5.020; 11/15/21

state official's salary compensation schedule; 1 CSR 10; 12/1/20

#### ACCOUNTANCY, MISSOURI STATE BOARD OF

foreign corporations; 20 CSR 2010-2.100; 11/15/21 requirements for an initial license to practice; 20 CSR 2010-2.061; 7/15/21, 11/1/21

#### AGRICULTURE, DEPARTMENT OF

plant industries

definitions; 2 CSR 70-17.010; 7/1/21, 10/15/21 sampling requirements and results of analysis; 2 CSR 70- 17.100; 7/1/21, 10/15/21

state milk board

inspection fees; 2 CSR 80-5.010; 6/15/21, 10/1/21

weights, measures and consumer protection budget filing; 2 CSR 90; 8/2/21

NIST Handbook 130, "Uniform Packaging and Labeling Regulation"; 2 CSR 90-22.140; 8/16/21 NIST Handbook 130, "Uniform Regulation for the Method of Sale of Commodities"; 2 CSR 90-20.040; 8/16/21

NIST Handbook 133, technical procedures and methods for measuring and inspecting packages or amounts of commodities; 2 CSR 90-23.010; 8/16/21

price verification procedures; 2 CSR 90-25.010; 8/16/21 quality standards for motor fuels; 2 CSR 90-30.040; 5/3/21, 9/1/21

registration of servicepersons and service agencies; 2 CSR 90-21.010; 8/16/21

#### AIR CONSERVATION COMMISSION

conformity of general federal actions to state implementation plans; 10 CSR 10-6.300; 8/16/21

cross-state air pollution rule annual SO2 group 1 trading program; 10 CSR 10-6.376; 10/1/21

onboard diagnostics motor vehicle emission inspection; 10 CSR 10-5.381; 10/15/21

#### ARCHITECTS, PROFESSIONAL ENGINEERS, PROFES-SIONAL LAND SURVEYORS, AND PROFESSIONAL LAND-SCAPE ARCHITECTS, MISSOURI STATE BOARD OF

application, renewal, relicensure, and miscellaneous fees; 20 CSR 2030-6.015; 8/2/21, 11/15/21 applications—formerly licensed; 20 CSR 2030-4.100; 8/2/21,

11/15/21

immediate personal supervision; 20 CSR 2030-13.010; 8/2/21, 11/15/21

immediate personal supervision for professional land surveyors; 20 CSR 2030-13.020; 8/2/21, 11/15/21 reexamination fees; 20 CSR 2030-6.020; 10/15/21

#### ATHLETICS, OFFICE OF

permits; 20 CSR 2040-2.021; 11/15/21

rules for professional and amateur kickboxing and professional full-contact karate; 20 CSR 2040-5.060; 9/1/21 rules for professional boxing; 20 CSR 2040-5.040; 9/1/21

#### BEHAVIOR ANALYST ADVISORY BOARD

ethical rules of conduct; 20 CSR 2063-6.005; 6/1/21, 9/15/21

#### CERTIFICATE OF NEED PROGRAM

Missouri health facilities review committee; 19 CSR 60-050; 8/2/21, 9/1/21, 9/15/21, 10/1/21, 11/1/21, 11/15/21

#### CHILDREN'S DIVISION

accreditation as evidence for meeting licensing requirements; 13 CSR 35-[50.010]35.140; 7/15/21

background checks for personnel of residential care facilities and child placing agencies; 13 CSR 35-71.015; 11/1/21

basic residential treatment for children and youth core requirements (applicable to all agencies)—basis for licensure and licensing procedures; 13 CSR 35-71.020; 11/1/21

basis for licensure and licensing procedures; 13 CSR 35-73.012;

child abuse and neglect review process; 13 CSR 35-31.025; 5/17/21, 9/1/21

child care provider overpayments; 13 CSR 35-32.110; 9/1/21 contracted foster care case management costs; 13 CSR 35-[32.030] 35.130; 7/15/21

definitions; 13 CSR 35-32.050; 9/1/21

definitions and principles generally applicable to this chapter; 13 CSR 35-71.010; 11/1/21

eligibility and authorization for the child care subsidy; 13 CSR 35-32.060; 9/1/21

foster care case management contracts; 13 CSR 35-[32.020]35-120; 7/15/21

hearings and judicial review;

13 CSR 35-71.030; 11/1/21

13 CSR 35-73.017; 11/1/21

immediate safety intervention plan; 13 CSR 35-30.020; 7/1/21, 10/15/21

notification requirements for license-exempt residential care facilities; 13 CSR 35-71.300; 11/1/21

participant overpayments; 13 CSR 35-32.100; 9/1/21

personnel; 13 CSR 35-71.045; 11/1/21

personnel practices and personnel; 13 CSR 35-73.030; 11/1/21

recordkeeping; 13 CSR 35-32.130; 9/1/21

registration requirement for child care providers serving four (4) or less unrelated children; 13 CSR 35-32.070; 9/1/21

registration requirement for licensed child care facilities to contract for state or federal child care funds; 13 CSR 35-32.090; 9/1/21

regulatory and contractual violations of registered child care providers; 13 CSR 35-32.120; 9/1/21

response and evaluation process for case management of children in foster care; 13 CSR 35-35-100; 7/15/21

scope and definitions; 13 CSR 35-73.010; 11/1/21

staff qualifications and requirements; 13 CSR 35-73.035; 11/1/21 temporary alternative placement agreements (TAPA); 13 CSR 35-30.030; 7/1/21, 10/15/21

#### **CLEAN WATER COMMISSION**

water quality standards; 10 SR 20-7.031; 7/15/21

#### CONSERVATION, DEPARTMENT OF

channel catfish, blue catfish, flathead catfish; 3 CSR 10-6.510; 10/1/21

closed hours; 3 CSR 10-12.109; 10/1/21

commercial fishing: seasons, methods; 3 CSR 10-10.725; 10/1/21 definitions; 3 CSR 10-20.805; 10/1/21 deer: landowner privileges; 3 CSR 10-7.434; 9/15/21 elk hunting; 3 CSR 10-11.190; 10/1/21

elk hunting seasons; general provisions; 3 CSR 10-7.700; 9/15/21 elk: regulations for department areas; 3 CSR 10-7.715; 10/1/21 fishing, daily and possession limits; 3 CSR 10-11.210; 10/1/21 fishing, length limits; 3 CSR 10-12.145; 10/1/21 fishing, methods and hours; 3 CSR 10-12.145; 10/1/21

fishing, methods and hours; 3 CSR 10-11.205; 10/1/21 general provisions; 3 CSR 10-11.10; 10/1/21 hunting and trapping; 3 CSR 10-12.125; 10/1/21 migratory game birds and waterfowl: seasons, limits; 3 CSR 10-12.440; 10/1/21

other fish; 3 CSR 10-6.550; 10/1/21 paddlefish; 3 CSR 10-6.525; 10/1/21 permits required: exceptions; 3 CSR 10-5.205; 10/1/21

permits to be signed and carried; 3 CSR 10-5.210; 10/1/21 prohibited species; 3 CSR 10-4.117; 10/1/21 resident and nonresident permits; 3 CSR 10-5.220; 10/1/21

resident landowner antlered elk hunting permit; 3 CSR 10-5.705; 9/15/21

resident antlered elk hunting permit; 3 CSR 10-5.700; 9/15/21 turkeys: seasons, methods, limits; 3 CSR 10-7.455; 9/15/21 vehicles, bicycles, horses, and horseback riding; 3 CSR 10-11.130; 10/1/21

#### ELECTED OFFICIALS

secretary of state

appearance before the commissioner; 15 CSR 30-55.065; 6/1/21, 9/1/21

public hearing; 15 CSR 30-55.060; 6/1/21, 9/1/21

state auditor

calculation and revision of property tax rates by political subdivisions other than school districts; 15 CSR 40-3.135; 6/1/21, 9/15/21

calculation and revision of property tax rates by school districts; 15 CSR 40-3.125; 6/1/21, 9/15/21

general organization; 15 CSR 50-4.010; 11/15/21

Missouri education savings program; 15 CSR 50-4.020;

Missouri MOST 529 matching grant program; 15 CSR 50-4.030; 11/15/21

#### ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

childhood, office of

annual requirements;

5 CSR 25-400.055; 11/15/21

5 CSR 25-500-052; 11/15/21

background screening findings; 5 CSR 25-600.040; 11/15/21 child care comprehensive background screening; 5 CSR 25-600; 9/1/21

child care family and household; 5 CSR 25-400.115; 11/15/21 child care provider overpayments; 5 CSR 25-200.110; 9/1/21 day care family and household; 5 CSR 25-400.115; 11/15/21

5 CSR 25-200.050; 9/1/21

5 CSR 25-400.010; 11/15/21

5 CSR 25-500.010; 11/15/21

5 CSR 25-600.010; 11/15/21

definitions relating to child care facilities; 5 CSR 25-300.010; 11/15/21

eligibility and authorization for the child care subsidy; 5 CSR 25-200.060; 9/1/21

exemption of day care facilities;

5 CSR 25-400.015; 11/15/21

5 CSR 25-500.022; 11/15/21

fire safety requirements; 5 CSR 25-300.070; 11/15/21

general provisions governing programs authorized under early childhood development, education, and care; 5 CSR 25-100.310; 9/1/21, 10/15/21

general provisions governing programs authorized under the early childhood development act; 5 CSR 25-100.330; 9/1/21

general requirements; 5 CSR 25-600.020; 11/15/21

hourly care facilities; 5 CSR 25-500.152; 11/15/21 individuals with disabilities education act, part c; [5 CSR 20-

300.120]5 CSR 25-100.120; 9/1/21 license-exempt child care facilities; 5 CSR 25-300; 9/1/21

licensing process;

5 CSR 25-400.045; 11/15/21

5 CSR 25-500.042; 11/15/21

licensing rules for family child care homes; 5 CSR 25-400; 9/1/21

licensing rules for group child care homes and child care centers; 5 CSR 25-500; 9/1/21

local inspections; 5 CSR 25-300.030; 11/15/21

medical examination reports;

5 CSR 25-400.125; 11/15/21

5 CSR 25-500.122; 11/15/21

nighttime care; 5 CSR 25-400.145; 11/15/21

organization and administration;

5 CSR 25-400.025; 11/15/21

5 CSR 25-500.032; 11/15/21

overlap care of children;

5 CSR 25-400.155; 11/15/21

5 CSR 25-500.162; 11/15/21

participant overpayments; 5 CSR 25-200.100; 9/1/21

personnel; 5 CSR 25-500.102; 11/15/21

prekindergarten program standards; 5 CSR 25-100.320; 9/1/21

process for appeal required in section 210.1080, RSMo; 5 CSR 25-600.050; 11/15/21

recordkeeping; 5 CSR 25-200.130; 9/1/21

records and reports;

5 CSR 25-400.210; 11/15/21

5 CSR 25-500.222; 11/15/21

registration requirement for child care providers serving four (4) or less unrelated children; 5 CSR 25-200.070; 9/1/21

registration requirement for licensed child care facilities to contract for state or federal child care funds; 5 CSR 25-200.090: 9/1/21

regulatory and contractual violations of registered child care providers; 5 CSR 25-200.120; 9/1/21

sanitation requirements; 5 CSR 25-300.080; 11/15/21

the child care provider and other child care personnel; 5 CSR 25-400.105; 11/15/21

transportation and field trip requirements; 5 CSR 25-300.100; 11/15/21

variance requests;

5 CSR 25-300.120; 11/15/21

5 CSR 25-400.220; 11/15/21

5 CSR 25-500.230; 11/15/21

#### commissioner of education

access to public records and fees for copying of public records; 5 CSR 10-3.010; 8/2/21

general department organization; 5 CSR 10-1.010; 8/2/21

division of financial and administrative services

cash in lieu of commodities; 5 CSR 30-680.040; 10/1/21 determining eligibility for free and reduced price meals and milk in schools; 5 CSR 30-680.050; 10/1/21

early learning facilities funding formula for lease agreements; 5 CSR 30-640.200; 6/1/21, 11/1/21

food distribution; 5 CSR 30-680.060; 10/1/21

food service equipment assistance program; 5 CSR 30-680.035; 10/1/21

national school [lunch] meals program; 5 CSR 30-680.010;

performance districts; 5 CSR 30-660.080; 6/1/21, 11/1/21 school breakfast program; 5 CSR 30-680.030; 10/1/21

school food authority appeal procedures; 5 CSR 30-680.080; 6/1/21, 11/1/21

special milk program for children; 5 CSR 30-680.020;

state agency payments to school districts for educational services; 5 CSR 20-300.130; 5 CSR 30-660.095; 6/1/21, 11/1/21

summer food services program—request for waiver; 5 CSR 30-680.070; 10/1/21

division of learning services

application for certificate of license to teach; 5 CSR 20-400.500; 5/3/21, 9/1/21

application for certificate of license to teach on the basis of certification by the american board for certification of teacher excellence (ABCTE); 5 CSR 20-400.210; 11/1/21

application for substitute certificate of license to teach; 5 CSR 20-400.220; 6/1/21, 11/1/21

certificate of license to teach classifications; 5 CSR 20-400.260; 11/1/21

certification requirements for secondary education (grades 9-12); 5 CSR 20-400.540; 10/1/21

general provisions governing programs authorized under early childhood development act; [5 CSR 20-100.330] 5 CSR 25-100.330; 9/1/21

general provisions governing programs authorized under early childhood development, education, and care; [5 CSR 20-100.310] 5 CSR 25-100.310; 9/1/21

individuals with disabilities education act, part c; [5 CSR 20-300.120]5 CSR 25-100.120; 9/1/21

internet filtering; 5 CSR 20-100.220; 8/2/21

Missouri critical teacher shortage forgivable loan program; 5 CSR 20-400.360; 6/15/21, 11/1/21

prekindergarten program standards; [5 CSR 20-100.320]5 CSR 25-100.320; 9/1/21

statewide longitudinal data system; 5 CSR 20-700.100; 10/1/21

virtual instruction program; 5 CSR 20-100.230; 10/1/21

## EMBALMERS AND FUNERAL DIRECTORS, STATE BOARD OF

fees; 20 CSR 2120-2.100; 7/1/21, 10/15/21

preneed agents; 20 CSR 2120-3.405; 5/17/21, 9/1/21

preneed agents—Missouri law exam; 20 CSR 2120-3.405; 5/17/21, 9/1/21

preneed agents—requirements of agent's seller; 20 CSR 2120-3.400; 5/17/21, 9/1/21

preneed agent's seller must be licensed; 20 CSR 2120-3.410; 5/17/21, 9/1/21

#### **EXECUTIVE ORDERS**

convenes the First Extra Session of the First Regular Session of the One Hundred and First General Assembly for extending the Federal Reimbursement Allowances (FRA) and related allowances, taxes, and assessments necessary for funding MO HealthNet; Proclamation: 8/2/21

designates members of his staff to have supervisory authority over departments, divisions and agencies of state government; 21-08; 9/15/21

terminates the state of emergency declared in Executive Order 20-02, declares a state of emergency, suspends certain regulations related to telemedicine and physical presence for executing documents, and allows state agencies to waive some regulatory requirements; 21-09; 8/27/21

#### FAMILY SUPPORT DIVISION

authorized representatives; 13 CSR 40-2.015; 11/15/21 presumptive eligibility; 13 CSR 40-7.050; 11/15/21 scope and definitions; 13 CSR 40-7.010; 11/15/21

#### HAZARDOUS WASTE MANAGEMENT COMMISSION

permit modifications list; 10 CSR 25-7; 10/1/21

## HEALING ARTS, STATE BOARD OF REGISTRATION FOR THE

assistant physician—application for licensure; 20 CSR 2150-2.200; 10/15/21

licensing by reciprocity; 20 CSR 2150-2.030; 9/15/21

#### HEALTH AND SENIOR SERVICES, DEPARTMENT OF

community and public health, division of

frozen dessert license; 19 CSR 20-1.030; 7/15/21, 11/1/21 office of the director

J1 visa waiver program; 19 CSR 10-4.020; 4/15/21, 9/1/21, 10/15/21

#### regulation and licensure, division of

administration and resident care requirements for new and existing intermediate care and skilled nursing facilities; 19 CSR 30-85.042; 7/15/21, 11/15/21

child care comprehensive background screening; 19 CSR 30-63; 9/1/21

electronic prescribing waiver; 19 CSR 30-1.080; 1/15/21

evaluation and assessment measures for title XIX recipients and applicants; 19 CSR 30-81.030; 11/15/21

license-exempt child care facilities; 19 CSR 30-60; 9/1/21 licensing rules for family child care homes; 19 CSR 30-61; 9/1/21

licensing rules for group child care homes and child care centers; 19 CSR 30-62; 9/1/21

nursing assistant training program; 19 CSR 30-84.010; 7/15/21, 11/15/21

pharmacy services and medication management; 19 CSR 30-20.100; 8/2/21, 11/15/21

schedules of controlled substances; 19 CSR 30-1.002; 11/1/21 standards for the operation of abortion facilities; 19 CSR 30-30.060; 11/1/21

transfer and discharge procedures; 19 CSR 30-82.050; 10/1/21

unlicensed assistive personnel training program; 19 CSR 30-20.125; 11/15/21

## HIGHER EDUCATION AND WORKFORCE DEVELOPMENT, DEPARTMENT OF

A+ dual credit/dual enrollment scholarship program; 6 CSR 10-2.195; 10/1/21

limit on tuition increases; 6 CSR 10-14.010; 11/1/21 tuition increases; 6 CSR 10-14.010; 11/1/21

#### **INSURANCE**

applied behavior analysis maximum benefit; 20 CSR; 3/1/19 construction claims binding arbitration cap; 20 CSR; 12/15/20 credit for reinsurance; 20 CSR 200-2.100; 10/1/21 non-economic damages in medical malpractice cap; 20 CSR; 6/15/18

sovereign immunity limits; 20 CSR; 12/15/20 state legal expense fund; 20 CSR; 12/15/20

insurance solvency and company regulation credit for reinsurance; 20 CSR 200-2.100; 10/1/21

insurance holding company system regulation with reporting forms and instructions; 20 CSR 200-11.101; 10/1/21

licensing procedures for pharmacy benefits managers; 20 CSR 200-22.010; 5/17/21, 9/1/21

term and universal life insurance reserve financing; 20 CSR 200-2.900; 10/1/21

property and casualty

rate [increases] modifications; 20 CSR 500-2.600; 10/1/21

# **INTERPRETERS, MISSOURI STATE COMMITTEE OF** policy for release of public records; 20 CSR 2232-1.020; 6/1/21, 9/15/21

#### LABOR AND INDUSTRIAL RELATIONS, DEPARTMENT

appeals procedures for crime victims' compensation; 8 CSR 20-7.010; 4/1/21, 9/1/21

complaint, investigation, and conciliation processes; 8 CSR 60-2.025; 10/15/21

prehearing discovery; 8 CSR 60-2.100; 10/15/21

rules governing crime victims; 8 CSR 50-6.010; 4/1/21, 9/1/21 waiver of recovery of overpayments under the coronavirus aid, relief and economic security act (CARES), as amended; 8 CSR 10-3.160; 8/16/21

#### MENTAL HEALTH, DEPARTMENT OF

director, department of mental health

exceptions committee procedures; 9 CSR 10-5.210; 8/2/21, 11/15/21

#### certification standards

certification of substance use disorder prevention and treat ment programs; 9 CSR 30-3.032; 7/1/21, 11/1/21 community support in comprehensive substance treatment and rehabilitation (CSTAR) programs; 9 CSR 30-3.157; 7/1/21, 11/1/21

general requirements for substance use disorder treatment programs; 9 CSR 30-3.100; 7/1/21, 11/1/21 opioid treatment program; 9 CSR 30-3.132; 7/1/21, 11/1/21

opioid treatment programs; 9 CSR 30-3.132; 7/1/21, 11/1/21 outpatient substance use disorder treatment programs; 9 CSR 30-3.195; 7/1/21, 11/1/21

service definitions and staff qualifications; 9 CSR 30-3.110; 7/1/21, 11/1/21

service definitions, staff qualifications, and documentation requirements for substance use disorder treatment programs; 9 CSR 30-3.110; 7/1/21, 11/1/21

service delivery process and documentation; 9 CSR 30-3.100; 7/1/21, 11/1/21

staff requirements for comprehensive substance treatment and rehabilitation (CSTAR) programs; 9 CSR 30-3.155; 7/1/21, 11/1/21

#### licensing rules

adequate staff; 9 CSR 40-5.075; 8/2/21 food services; 9 CSR 40-5.055; 8/2/21 general medical and health care; 9 CSR 40-5.035; 8/2/21

physical plant; 9 CSR 40-5.015; 8/2/21

#### MO HEALTHNET DIVISION

340B drug pricing program; 13 CSR 70-20.075; 6/1/21 ambulance services reimbursement allowance; 13 CSR 70-3.200; 10/1/21

copayment and coinsurance for certain medicaid-covered services; 13 CSR 70-4.050; 10/1/21

department is the payer of last resort, department's [lien] claim for recovery, participant's duty of cooperation; 13 CSR 70-4.120;

direct deposit of provider reimbursement; 13 CSR 70-3.140; 10/1/21

direct medicaid payments; 13 CSR 70-15.015; 10/1/21 drug pricing program; 13 CSR 70-20.075; 6/1/21, 10/15/21 drug reimbursement methodology; 13 CSR 70-20.070; 6/1/21, 10/15/21

federal reimbursement allowance (FRA): 13 CSR 70-15.110: 10/1/21

global per diem adjustments to nursing facility and HIV nursing facility reimbursement rates; 13 CSR 70-10.016; 10/15/21

ground emergency medical transportation uncompensated cost reimbursement program; 13 CSR 70-6.020; 11/1/21

home health-care services; 13 CSR 70-90.010; 11/15/21

hospice services program; 13 CSR 70-50.010; 8/16/21

hospital outpatient services; 13 CSR 70-15.040; 11/1/21

inpatient hospital and outpatient hospital settlements; 13 CSR 70-15.040; 11/1/21

inpatient [hospital] psychiatric services for individuals under age twenty-one; 13 CSR 70-15.070; 9/15/21

limitations on payment of out-of-state nonemergency medical services; 13 CSR 70-3.120; 9/15/21

medicaid managed care organization reimbursement allowance; 13 CSR 70-3.170; 7/1/21, 10/15/21

medical pre-certification process; 13 CSR 70-3.180; 9/15/21 missouri rx plan benefits and limitations; 13 CSR 70-100.010;

11/1/21 mo healthnet program benefits for nurse-midwife services; 13 CSR 70-55.010; 8/16/21

obtaining information from providers of medical services; 13 CSR 70-3.050; 9/1/21

optical benefits and limitations-MO HealthNet Program; 13 CSR 70-40.010; 4/15/21, 9/15/21

organization and description; 13 CSR 70-1.010; 10/1/21

outpatient hospital services reimbursement methodology; 13 CSR 70-15.160; 6/1/21, 8/16/21, 10/15/21

payment policy for asthma education and in-home environmental assessments; 13 CSR 70-[3.260]25.150; 10/1/21

placement of liens on property of certain institutionalized MO HealthNet [eligible persons] participants; 13 CSR 70-4.110; 9/15/21

preventing medicaid payment of expenses used to meet spenddown; 13 CSR 70-4.100; 9/15/21

procedures for admission certification, continued stay review, and validation review of hospital admissions; 13 CSR 70-15.020; 9/15/21

provider-based rural health clinic; 13 CSR 70-94.020; 5/17/21, 10/1/21

rehabilitation center program; 13 CSR 70-65.010; 9/15/21 required reporting of injuries received by mo healthnet participants; 13 CSR 70-4.060; 7/1/21, 10/15/21

return of drugs; 13 CSR 70-20.050; 7/1/21, 10/15/21

therapy program; 13 CSR 70-70.010; 9/1/21

title XIX provider enrollment; 13 CSR 70-3.020; 10/1/21

violations attested to by the department of health and senior ser vices; 13 CSR 70-3.035; 11/1/21

#### PHARMACY, STATE BOARD OF

pharmacy operating procedures during an emergency or declared disaster; 20 CSR 2220-2.016; 5/17/21

pharmacy operating procedures during declared disasters; 20 CSR 2220-2.016; 5/17/21, 9/15/21

pharmacy operations during an emergency or declared disasters; 20 CSR 2220-2.016; 5/17/21, 9/15/21

standards of operation for a class J: shared services pharmacy; 20 CSR 2220-2.650; 10/1/21

sterile compounding; 20 CSR 2220-2.200; 5/17/21, 9/15/21

#### PRIVATE INVESTIGATOR AND PRIVATE FIRE INVESTIGATOR EXAMINERS, BOARD OF

fees; 20 CSR 2234-1.050; 5/3/21, 9/1/21

#### PUBLIC SAFETY, DEPARTMENT OF

alcohol and tobacco control, division of

unlawful discrimination and price scheduling; 11 CSR 70-2.190; 11/15/21

director, office of the

rules governing crime victims' compensation; 11 CSR 30-18.010; 4/1/21, 9/1/21

rules governing for crime victims' compensation appeals; 11 CSR 30-18.020; 4/1/21, 9/1/21

Missouri gaming commission

minimum internal control standards (MICS)-chapter H; 11 CSR 45-9.108; 5/3/21, 11/1/21

minimum internal control standards (MICS)—chapter M; 11 CSR 45-9.113; 11/1/21

minimum internal control standards (MICS)—chapter R; 11 CSR 45-9.118; 5/3/21, 11/1/21

minimum internal control standards (MICS)—chapter W; 11 CSR 45-9.123; 10/1/21

non-gambling hours; 11 CSR 45-7.130; 11/1/21

primary, secondary, and reserve sets of gaming chips; 11 CSR 45-5.110; 5/3/21, 11/1/21

receipt of gaming chips or tokens from manufacturer; 11 CSR 45-5.140; 5/3/21, 11/1/21

submission of chips for review and approval; 11 CSR 45-5.090; 5/3/21, 11/1/21

Missouri 911 service board

definitions;

11 CSR 90-2.010; 10/1/21

11 CSR 90-4.020; 4/15/21, 8/2/21

Missouri state highway patrol

veterans affairs

the Missouri veterans health care fund program; 11 CSR 85-1.060; 7/1/21, 10/1/21

#### PUBLIC SERVICE COMMISSION

approval of manufacturing programs; 20 CSR 4240-123.040; 9/1/21

drug and alcohol testing; 20 CSR 4240-40.080; 8/2/21

incident, annual, and safety-related condition reported requirements; 20 CSR 4240-40.020; 8/2/21

limited use installer license; 20 CSR 4240-125.050; 9/1/21

manufactured home installer license; 20 CSR 4240-125.040; 9/1/21 new manufactured home manufacturer's inspection fee; 20 CSR 4240-120.140; 9/1/21

safety standards—transportation of gas by pipeline; 20 CSR 4040-40.030; 8/2/21

seals; 20 CSR 4240-123.030; 9/1/21

#### REAL ESTATE APPRAISERS

appraisal management company application requirements; 20 CSR 2245-10.010; 11/15/21

commission action; 20 CSR 2245-2.020; 7/1/21, 10/15/21

#### REAL ESTATE COMMISSION

advertising; 20 CSR 2250-8.070; 11/1/21

compensation disputes and compensation paid to unlicensed business entity; 20 CSR 2250-2.040; 11/1/21

#### RESPIRATORY CARE, MISSOURI BOARD FOR

application for licensure; 20 CSR 2255-2.010; 9/1/21

reinstatement; 20 CSR 2255-2.060; 9/1/21

#### RETIREMENT SYSTEMS

acturial assumptions; 16 CSR 20-4.010; 8/16/21

part time election;

16 CSR 10-4.007; 9/1/21 16 CSR 10-6.015; 9/1/21

#### REVENUE, DEPARTMENT OF

annual adjusted rate of interest; 12 CSR 10-41.010; 11/15/21

application for certificate of self-insurance from religious denominations; 12 CSR 10-25.120; 11/1/21

construction contractors; 12 CSR 10-2.230; 11/15/21

credit for new or expanded business facility; 12 CSR 10-2.085; 11/15/21

dealer administrative fees and system modernization; 12 CSR 10-26.230; 10/1/21

documents required for issuance of a driver license, nondriver license, or instruction permit; 12 CSR 10-24.448; 6/1/21, 9/15/21

failure to pay estimated tax for tax years ending after December 31, 1983; 12 CSR 10-2.067; 11/15/21

failure to pay estimated tax for tax years ending after December 31, 1989; 12 CSR 10-2.067; 11/15/21

filing requirements as defined in section 144, RSMo; 12 CSR 10-104.030: 11/15/21

material recovery processing plant exemption, as defined in section 144.030, RSMo; 12 CSR 10-111.060; 11/15/21

sales of electricity, water and gas as defined in section 144, RSMo; 12 CSR 10-108.300; 11/15/21

#### SAFE DRINKING WATER COMMISSION

acceptable and alternate procedures for analysis; 10 CSR 60-5.010; 6/1/21, 11/15/21

certification of public water system operators; 10 CSR 60-14.020; 11/15/21

laboratory certification; 10 CSR 60-5.020; 6/1/21, 11/15/21

#### SOCIAL SERVICES, DEPARTMENT OF

definitions; 13 CSR 65-2.010; 10/1/21

denial or limitations of applying provider; 13 CSR 65-2.030; 10/1/21

domestic violence shelter and rape crisis center tax credit; 13 CSR 10-3.040; 10/1/21

maternity home tax credit; 13 CSR 10-3.050; 10/1/21

provider enrollment and application; 13 CSR 65-2.020; 10/1/21

# **Rulemaking Classes**

Are you new to rulemaking or in need of a refresher course to assist you in filing rules or understanding the rulemaking process?

The Administrative Rules Division offers group and individual classes for rule drafting and preparation of rule packets. Please call Curtis at (573) 751-2022 or email curtis.treat@sos.mo.gov to schedule a class.

We are currently offering virtual classes.

#### **Administrative Rules Contact Information**

#### **General Inquiries**

(573) 751-4015 rules@sos.mo.gov

Curtis W. Treat, Editor-in-Chief

**Stephanie Martin, Managing Editor** (573) 522-2196

curtis.treat@sos.mo.gov

stephanie.martin@sos.mo.gov

Jacqueline D. White, Publication Specialist II

Vonne Kilbourn, Editor II (573) 751-1818

(573) 526-1259 jacqueline.white@sos.mo.gov

vonne.kilbourn@sos.mo.gov

Jennifer Alex Moore, Editor

Tammy Winkelman, Administrative Aide III

(573) 522-2593

(573) 751-2022

(573) 751-4015

jennifer.moore@sos.mo.gov

tammy.winkelman@sos.mo.gov